

COUNCIL MEETING: September 19, 2016

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS
THROUGH: CHRIS EPPLEY, CITY MANAGER
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, ASSOCIATE PLANNER

SUBJECT: REMAND OF CP/ZC/LLA 2014-11

ATTACHMENTS:

- Staff report for June 20, 2016 Council Meeting
- Exhibit 112-117: Exhibits submitted at June 20, 2016 Council meeting.
- Exhibit 118-123: Exhibits submitted after June 20, 2016 and before August 1, 2016.
- Exhibit 124-130: Exhibits submitted between August 1, 2016 and August 29, 2016.
- Exhibit 131: Applicant's final rebuttal submitted September 6, 2016.
- Staff's recommended Conditions of Approval.

BACKGROUND:

On June 20, 2016 the City Council closed the public hearing of the Remand of Comprehensive Plan/Zone Change/ Lot Line Adjustment case (planning file number 2014-11) on a 7.5 acres property located in the 4800 block of Verda Lane owned by the Herber family. While the public hearing was closed, the record was left open until Aug 1, 2016 for anyone wishing to provide additional evidence, arguments or testimony. Additionally, Council established a rebuttal period until August 29. The applicant was then allowed to submit final comments, but not evidence on September 6. Staff has attached to this recommendation, organized by these time periods, all exhibits submitted for Council's consideration.

It is important to point out the public hearing was a *de novo* (new) public hearing which allowed any issue regarding the application to be raised, as opposed to only the issues in which the Council previously determined the applicant had not met their burden of proof. The Council's previous decision to deny the original application was based on the factors of *need, impact, and traffic*. These issues were addressed in the staff report of the June 20 Council hearing which addressed these issues, and recommended approval based on the revisions made by the applicant.

While most of the concerns and opposition raised at the June 20, 2016 hearing, and those subsequently submitted, correlate directly or indirectly to those factors, it should be noted that some additional issues were raised regarding the proposal. These concerns are found within the exhibits attached to this recommendation. Some of the new areas of concern raised in the hearing and submittals are related to flooding, schools, the desire to use the property as a park, and the historic nature of the existing home on the property. Staff would offer the following information to council:

- The School District is independent of the City of Keizer and is able to adjust their boundaries as needed. The information they have provided is based on their information and is not provided by the applicant.
- Recent court decisions will affect the administration of the Flood Plain Management program in the future, however this will not change the boundaries of the flood zones and the proposed development is outside of the floodplain boundary.
- The applicant is offering, and staff is recommending conditioning the proposal to include deeding or dedicating the significant area below the developed area to the city for public use.
- The Historic nature of the home is significant and staff is recommending the issue be addressed as discussed below.

The applicant's final summary submitted September 6, 2016 attempts to address these issues and the testimony received during the extended comment period. The applicant's final summary also proposes conditions to help offset and/or mitigate the concerns raised by those through the public process. Staff feels the applicant's proposed conditions have tried to address the concerns raised regarding the impact this development may have on the surrounding neighborhood. However, staff is recommending modifications to the applicant's proposed conditions, as outlined in the attachment provided, that are more stringent and specific to address impacts.

Additionally, staff is recommending a condition to allow efforts to be made for the preservation of the historic house. The applicant accurately points out the house has not formally been designated a historic structure and ascertains, "... *the status of the "house" is not a criteria included in the City of Keizer Development Code relative to the comprehensive plan/zone change process.*" Staff feels however, this is an over-simplification of the criteria outlined in the KDC and believes it would be irresponsible and inconsistent with the goals and policies of the Comprehensive Plan to simply dismiss the fact there is evidence of historic significance of the existing home that may be worthy of preservation. KDC Section 3.109.04.B (Criteria for Approval) states the application must show: "*Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.*"

Historic and Cultural Resource Policies are contained within the Comprehensive Plan. The first policy listed is: to "*Protect and encourage the preservation of cultural and historic resources that may be identified in the future.*" Since the issue of the historic nature of the structure has been brought before Council, and taking into consideration the State Historic Preservation Office (SHPO) letter of August 5, 2014 referred to by the applicant, staff feels there is clearly evidence of the historic nature of the home, and that it is prudent to at least encourage and allow for the possible preservation of such a structure. The Comprehensive Plan also lists as a policy: to "*Ensure the preservation of officially listed historical sites and structures by criteria contained in Historical Landmark Overlay Zone chapter of the Keizer Development Code.*" Staff agrees with the applicant that it is not a direct requirement for the house to be preserved because the structure has not been listed or designated.

The applicant points out the fact (Exhibit 122) that historic structures are often moved to public lands, and that this structure is potentially eligible for listing on the National Historic registry, as

well as the fact this structure is currently not on any such list officially. In the applicant's opinion, due to modifications and dilapidation, the structure has lessened historic value and it is not practical to salvage the building for preservation. Staff is recommending the structure be required to remain upon the site for a time certain in order to allow any interested party the opportunity to make arrangements to move the home to a new location for historic preservation. Staff is recommending the applicant make the structure available for preservation for a period of time and that they be required as part of the conditions of approval to document the structure and provide to the public an information display for the education of the public.

RECOMMENDATION: That the City Council: deliberate over the additional information submitted and direct staff to prepare an appropriate ordinance, with revised conditions approving the proposed revised application.

Staff Recommended Conditions of Approval: Council Meeting 9/19

GENERAL REQUIREMENTS:

1. Comprehensive Plan map designation is allowed to be changed from Low Density Residential to Medium and High Density Residential.
2. Zone map designation is allowed to be changed from Single Family Residential (RS) to Medium Density Residential (RM).
3. All requirements of the Marion County Surveyor's office must be met. In order to complete the property line adjustment, a replat in the form of a partition plat will be required. The following requirements must be met to accomplish the replat:
 - a) Must comply with all provisions per ORS 92.185(6);
 - b) Must be surveyed and platted per ORS 92.050, and the plat submitted for review;
 - c) Checking fee, second mylar fee, and recording fee required; and
 - d) A current or updated title report must be submitted at the time of review.
4. The property line adjustment shall be timely recorded with the Marion County Clerk. After the property adjustment is recorded, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
5. The property must comply with the minimum lot size and dimensional standards of the Medium Density Residential (RM) zone.
6. Any development of the site shall comply with all requirements in the RM zone and Section 2.315 (Design Standards) of the KDC.
7. The existing historic home shall be made available for a period of 6 months from the date of final approval, to allow for any interested party to come forward and provide a plan for the preservation and relocation of the historic value of the home. The home must be relocated within 1 year of the date of this approval, after which time if no arrangements are made for preservation, may be demolished at the owner's expense. If the house is not preserved through third party efforts, the structure shall be documented and a record created and an informational display shall be created to document and inform the public of the importance and character of the structure, as approved by the City.
8. Applicant shall submit a street vacation application for the vacation of Philip Street right of way.
9. Deeding or dedicating the significant area below the developed area to the City for public shall be completed prior to final plat approval.
10. No building permits will be issued until the required public improvements listed below are completed.

11. SANITARY SEWERS:

- a) The subject property is located within the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will not be required.
- b) City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer'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.
- c) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted right of ways will need to be recorded which meets the City of Salem Design Standards.
- d) Any existing septic tank and drain fields shall be located and abandoned per state and county regulations.

12. WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Any public water facilities located outside of platted right of ways will require that the appropriate easements be shown on the recorded plat. The recorded easement shall be to the City of Keizer and shall meet the City of Keizer design standards. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- b.) Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to issuance of any public improvement permits.
- c.) Any existing wells on the subject property are to be abandoned. The developer shall provide evidence that any abandonment of existing wells has been completed in accordance with the rules of the Oregon State Water Resources Department.
- d.) Location of all meters to be approved by the City of Keizer Public Works Department.

13. STREET AND DRAINAGE IMPROVEMENTS:

- a) Street improvements will be required to provide an adequate transportation system that will serve the proposed development. Right of way dedication will be

required along Verda Lane and Dearborn Avenue. Verda Lane is designated as a Minor Arterial Roadway and Dearborn Avenue is designated as a Collector Roadway. The minimum acceptable Right of Way for Minor Arterials is 72 feet which will result in a 36 foot Right of Way from the center of the current Verda Lane Right of Way. The minimum acceptable Right of Way for Collectors is 68 feet which will result in a 34 foot Right of Way from the center of the current Dearborn Avenue Right of Way. Public street improvements will be required prior to any development of the subject property. At a minimum, public street improvements will include street widening of both Verda Lane and Dearborn Avenue with a 6 foot wide property line sidewalk. Public Street improvements will require appropriate drainage swales if necessary to comply with city water quality standards. A 10 foot wide public utility easement will be required to be dedicated on the Lot Line Adjustment Plat along Chemawa Road, Dearborn Avenue and Verda Lane. No access will be allowed to Philip Street from the subject property. The northerly access to the subject property from Verda Lane will be for emergency vehicles only and will be a gated. The right in, right out southerly access shown on the preliminary cover sheet will need to be constructed such that right turns only movements are allowed.

The applicant submitted a Transportation Planning Rule Analysis dated March 17, 2016 as part of the land use application. The City of Keizer does not disagree with the methodology or supporting language used but further information may be required for review.

The City of Keizer is currently designing roadway improvements for Dearborn Avenue and the subject property will be assessed a portion of the construction costs. The assessment will be for the portion along the frontage of the subject property. The City Engineer will determine the amount of assessment. No development of the subject property will be approved until the assessment is paid.

- b) The developers engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City Master Storm Drain Plan for this area of Keizer and consistent with the city's adopted design standards. An existing public storm drain line is located on the subject property near the tax lot lines shown as 3200 and 3300 on the applicant's submittal. The applicant's surveyor will be required to locate the storm drain line and plat an appropriate easement consistent with the City of Keizer's Public Works Standards on the proposed Lot Line Adjustment Plat.

Storm water detention for the proposed development shall be required. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. Storm water quality improvements will be required.

- c.) A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from adjacent property across

the subject property. This plan shall be submitted and approved by the Department of Public Works prior to the issuance of any permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Standards. Additional information regarding street grades, site grading, inverts, etc, will be required for review prior to any plan approval. The drainage plan for the development shall comply with the Keizer Development Code.

14. OTHER:

- a.) Construction permits are required by the Department of Public Works prior to any public facility construction.
- b.) A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.
- e.) An Improvement Agreement shall be executed between the developer and the City of Keizer prior to the recording of the plat.
- f.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if required by the Oregon Department of Environmental Quality, a 1200-C permit will be required from the Oregon Department of Environmental Quality and furnished to the City of Keizer by the developer prior to issuance of an erosion control permit.

BUILDING/SITE DESIGN REQUIREMENTS:

- 14. All buildings located along Verda Lane shall be no more than 2-stories in height.
- 15. All buildings along west side of the property shall project a 2 story east building elevation and shall conform with KDC height restrictions of the RS zone.
- 16. In order to provide building articulation, detailed design shall be provided by using at least five of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - a. Dormers;
 - b. Gables;
 - c. Recessed entries;
 - d. Covered porch entries;
 - e. Cupolas or towers;

- f. Pillars or posts;
 - g. Eaves (minimum six inch projection);
 - h. Off-sets in building face or roof (minimum 16 inches);
 - i. Window trim (minimum 4" wide);
 - j. Bay or bow windows or window shutters;
 - k. Off-sets on building face or roof of a minimum of 16'.
 - l. A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding shakes, etc)
 - m. An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.
17. Buildings shall meet KDC standards for SFD construction (Section 2.314) except that carports shall be mitigated based on street visibility and if located within 40 feet of the street frontage.
 18. The side of the building facing the street shall contain windows covering a minimum of 20% of the façade and shall be varied in style.
 19. All offsets and/or projections shall vary from other wall surfaces by 2 feet and shall be of a varied location pattern.
 20. All buildings located along Verda Lane shall be designed to be residential in nature.
 21. A Pre-Design meeting with the City of Keizer staff will be required prior to the submittal of any plans and shall demonstrate conformance with required conditions.
 22. The proposed development shall provide a minimum of 30% landscaping areas of the site. Landscaping shall be provided along the buildings, r-o-w, and parking areas within the development. All landscaping plan will be reviewed at the Pre-design meeting with staff to demonstrate coverage, size and screening requirements.
 23. All building elevations shall be varied in texture and building materials. All building elevations will be reviewed at the Pre-design meeting with staff.
 24. Building colors shall be varied and residential in character. All building colors shall be consistent with the color renderings approved as part of this application packet. All building colors will be reviewed at the Pre-design meeting with staff.
 25. A minimum 36" berm and block wall (brick or decorative block) shall be provided above sidewalk grade.
 26. A minimum 54" berm and block wall (brick or decorative block) shall be provided above parking lot grade.

27. Green Stormwater Infrastructure shall be provided. Stormwater quality and quantity measures shall be implemented to protect Claggett Creek Basin from any negative impacts.
28. Roofs shall be hip roofs with no gable ends, except for elements incorporated as mitigations.
29. Building massing shall be such that the west facing building elevations are varied and not predominantly rectangular.
30. A variety of large trees, a blend of conifers and deciduous, shall be used to mitigate the scale and visual impact of the buildings. The buildings will be required to be screened a minimum of 30% at the time of vegetation maturity (within 10 years).
31. The development shall be constructed in substantial compliance with the design plans submitted as part of this proposal.