October 20, 2016

NOTICE OF LAND USE DECISION

1. **Application**. An application from the Herber Farm, LLC for a change to the Comprehensive Plan Map designation from Low Density Residential to Medium and High Density Residential, to rezone the property from Single Family Residential (RS) to Medium Density Residential (RM), and a Lot Line Adjustment to consolidate the existing lots into one large parcel for an approximate 7.5 acre parcel located in the 4800 and 4900 Block of Verda Lane, Keizer, Oregon (Case No. 2014-11).

2. **Description of Decision.** Keizer City Council has **APPROVED** the above described application, with certain conditions.

3. **Date of Decision.** The Keizer City Council adopted the decision on October 17, 2016.

4. **Time and Place to View Ordinance.** You may view the Ordinance approving the application online at www.keizer.org or at the following address:

   Keizer City Hall
   930 Chemawa Road NE
   Keizer, OR 97303

   The above materials may be viewed Monday through Friday (except holidays) between the hours of 8:00 a.m. and 5:00 p.m.

5. **Requirements for Appeal**. This land use decision may be appealed to the Land Use Board of Appeals. To appeal this land use decision you must file a Notice of Intent to Appeal with the Land Use Board of Appeals in the manner and within the time frame set forth in state statutes and administrative rules. In order to appeal the Decision a person must have appeared before the City Council either orally or in writing.

If you any questions, concerns or comments regarding this decision, please contact Nate Brown, Community Development Director at (503)-856-3441.

A BILL

ORDINANCE NO. 2016-762

FOR

AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF HERBER FARM, LLC FOR A COMPREHENSIVE PLAN MAP CHANGE FROM LOW DENSITY RESIDENTIAL TO MEDIUM AND HIGH DENSITY RESIDENTIAL, A ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND A LOT LINE ADJUSTMENT TO CONSOLIDATE THE EXISTING LOTS INTO ONE LARGE PARCEL FOR AN APPROXIMATE 7.5 ACRE PARCEL LOCATED IN THE 4800 AND 4900 BLOCK OF VERDA LANE, KEIZER, OREGON (CASE NO. 2014-11); REPEAL OF ORDER DATED OCTOBER 6, 2014 (DECISION UPON STIPULATED REMAND)

The City of Keizer orders as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council upon the application of the Herber Farm, LLC for a comprehensive plan map change from Low Density Residential to Medium and High Density Residential, a zone change from Single Family Residential to Medium Density Residential, and a lot line adjustment to consolidate the existing lots into one large parcel for an approximate 7.5 acre parcel located in the 4800 and 4900 Block of Verda Lane, Keizer, Oregon. The property is identified on the Marion County Tax Assessor's Map as Township 7 South; Range 3 West; Section 02AA; Tax Lots #03000 through and including 03600, and Township 7 South; Range 3 West; Section 02AD; Tax Lots #06700 through and including 07300. On October 6, 2014 the City Council denied the requested

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Comprehensive Plan change and Zone change, but approved the proposed Lot Line Adjustment. The Council's decision was appealed to the Land Use Board of Appeals (LUBA). Following the appeal, the City and applicant entered into a Stipulated Motion for Remand allowing the proposal to be brought back to the City.

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.

Section 3. PUBLIC HEARING. A public hearing was held on this matter before the Hearings Officer and the City Council in the original proceeding. In addition, the City Council held a remand public hearing. The following persons either appeared at the City Council remand public hearing or provided written testimony on the revised application before the Council:

1. Nate Brown, Community Development Director
2. Mark Grenz, Multi-Tech Engineering, Applicant Representative
3. Joe Herber, Applicant
4. Wallace Lien, Applicant's Attorney
5. Salem-Keizer Public Schools
6. Marylin Prothero, Opponent
7. Alan and Susan Kendall, Opponent
8. Brittany and Matthew Garza, Opponent
9. Daniel Irwin, Opponent
10. Bob Jones, Opponent
11. Dee A. Sloan, Opponent
12. Robert Thompson, Opponent
13. Paul and Mandy Elder, Opponent
14. Paul and Lillian Weaver, Opponent

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15. Cori Budrow, Opponent
16. Judith Odle, Opponent
17. Laura Scales, Opponent
18. James Bucholz, Opponent
19. Bobbie Rogers, Opponent
20. Jerry Walton, Opponent
21. Jeffrey Hernandez, Opponent
22. Eamon Bishop, Opponent
23. Maria Bushek, Opponent
24. Deanna Fuller, Opponent
25. Karen and David Okada, Opponent
26. Jessica Davidson, Opponent
27. Larry Odle, Opponent
28. Debbie Crux, Opponent
29. Dennis Tephal, Opponent
30. Casey Sanders, Opponent
31. DeAnne Reierson, Opponent
32. Ardith Oakes, Opponent
33. Matt Varner
34. Terry and Ruth Hegle, Opponent
35. Nelson Sossaman, Opponent
36. Thomas Reed
37. Linda Minden, Opponent
38. John Welles, Opponent
39. Joyce Worden

Section 4. EVIDENCE. Evidence before the City Council in this matter includes the original record submitted to LUBA in the matter, the Stipulated Motion for Remand, the notice of the June 20, 2016 hearing, the staff reports and attachments for the June 20, 2016 and September 19, 2016 Council meetings, and all evidence placed before and not rejected by the City Council, including the evidence set forth in Exhibit "A" attached.

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Section 5. OBJECTIONS. No objections have been raised as to notice, jurisdiction, alleged conflicts of interest, evidence presented or testimony taken at the hearing.

Section 6. CRITERIA AND STANDARDS. The criteria and standards relevant to the decision in this matter are set forth in Exhibit "B" attached.

Section 7. FACTS. The facts before the City Council in this matter are set forth in Exhibit "C" attached.

Section 8. JUSTIFICATION. Justification for the City Council's decision in this matter is explained in Exhibit "D" attached.

Section 9. ACTION. The decision of the City Council is set forth in Exhibit "E" attached.

Section 10. FINAL DETERMINATION. This Ordinance is the final determination in this matter.

Section 11. REPEAL OF ORDER DATED OCTOBER 6, 2014. The Order in the Matter of the Application of Herber Farm, LLC for a Comprehensive Plan Map Change from Low Density Residential to Medium and High Density Residential, a Zone Change from Single Family Residential to Medium Density Residential, and a Lot Line Adjustment to Consolicate the Existing Lots into One Large Parcel for an Approximate

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7.5 Acre Parcel Located in the 4800 and 4900 Block of Verda Lane, Keizer, Oregon (Case No. 2014-11) dated October 6, 2014 is hereby repealed in its entirety upon the effective date of this Ordinance.

Section 12. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its passage.

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 197.835.

PASSED this 17th day of October, 2016.

SIGNED this 17th day of October, 2016.

Cathy Clark
Mayor

City Recorder

Keizer City Attorney
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EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department report, the Hearings Officer report, written and oral testimony and comments in the matter, the application and exhibits contained in the Record herein.

Mayor Christopher opened the September 2, 2014 Public Hearing.

City Attorney Shannon Johnson read the criteria for the zone change and comprehensive plan change. Community Development Director Nate Brown read the criteria for Lot Line adjustment. Mr. Johnson explained that the decision should be based upon these criteria, and that testimony, arguments and evidence must be directed toward the criteria, other 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. He noted that if anyone had any objection as to conflict of interest, 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 conflict of interest, bias or prejudice on this case should do so at this time.

Councilors testified to various issues such a living near the property, reading the newspaper (Keizertimes), and contact by citizens whom they directed to the City website. Councilor Egli noted that he had been contacted by Karen Okada who shared pros and cons of multi-family dwelling development and Tim Smith who had voiced support for the development. Mr. Johnson provided additional information regarding the difference between legislative cases and quasi-judicial cases and reiterated that the decision must be based on the criteria.

Mr. Brown then provided background information and recommended that Council hear testimony, review the application and direct staff to develop mitigations to address the negative impacts that this application may present. He explained that, should this property be developed in the way it is platted, there would be no improvements associated with the development and it would likely be developed at a higher density which would impact traffic. He reviewed and addressed issues that were brought up at the previous hearing: the property's open space qualities, concerns regarding traffic, density/multi-family housing needs, crime, schools, water quality and the environment. He noted that Council can place significant mitigations

to control impacts to the community with street improvements, landscaping, and traffic mitigations related to design control at the access points.

Mr. Brown then fielded questions regarding the existing platting of the property in question and right-of-way acquisition for the Verda roundabout. He explained various housing options including shared housing units, zero lot line housing, cottage clusters and planned unit developments noting that the applicant could develop the property with 50-60 units.

Mark Grenz, Multi-Tech Engineering, Keizer resident for 35 years, explained that his firm was sought out by the Herber family to determine the best use of the property. After reviewing various aspects of the property, it was determined that the best action was to apply for a Comp Plan and Zone change. His firm provided all findings addressing the criteria as part of the staff report, and the hearings officer determined that the criteria had been met. By limiting the development to the upper portion of the site, the lower portion will be left intact and traffic will not be impacted because of the limited access. Mr. Grenz then presented a Power Point which reviewed available mass transit, schools, parks, shopping, plat lines, and property values. He noted that many families choose not to be homeowners, but prefer to live in apartments and the taxes that they pay would adequately cover the impact they would have to city services.

Judith Odle, Keizer, noted that within one mile of the proposed project there are 230 apartments. She spoke in opposition of allowing a three-story structure across the street from her home, but indicated that a two- story structure would be acceptable.

Cori Budrow, Keizer, spoke in opposition to the proposed development noting that single-family dwellings would have less impact on the environment and shared driveways would keep the traffic impact to a minimum. She questioned the impact of an apartment on the Keizer wastewater treatment system.

Judy Meek, Keizer, voiced opposition to the project citing increased enrollment at the elementary schools, increased water usage and traffic congestion.

Bob Thompson, Keizer, expressed opposition to allowing a three-story structure, but indicated that a two-story structure would be acceptable. He questioned

the impact of an apartment on the Keizer wastewater treatment system, traffic and parking.

City Attorney Shannon Johnson explained that this issue could not be put to popular vote because it is a land right. In a quasi-judicial hearing the parties are entitled to look at specific criteria. A property owner's right to develop their land is not contingent on the vote of the public.

Joe Meek, Keizer, expressed opposition to the project citing mass transit needs, traffic congestion and crime.

Maria Bushek, Keizer, spoke in opposition to the project noting that many of her concerns had already been aired. She voiced concern, however, about the single access point from the apartments onto Verda and congestion at Chemawa and Lockhaven and urged that the livability of Keizer be considered and the apartment complex not be allowed.

Meredith Sheridan, Keizer, voiced opposition to the project noting that many of her concerns had already been aired but that the livability of a community is defined in large part by its green space; she urged that Claggett Creek Park be expanded through acquisition of this property.

Deanna Fuller, Keizer, spoke in opposition to the project, suggesting that the limitation on the number of driveways allowed be revisited so that single family homes could be put on the property in question.

David Garvin, Keizer, expressed opposition to the project, noting that there were already enough apartments in the area. He suggested large single-family homes be built on the property instead and that a geologist report be required to be sure the ground will support that large of a structure.

Terri Hegli, Keizer, spoke in opposition to the project noting that a three-story apartment complex would adversely affect the neighborhood and cause increased traffic. He urged Council to consider the livability of Keizer when making their decision.

Susan Kendall, Keizer, voiced opposition to the project, noting that traffic noise and crime are already out of control in the area; the area is not livable and property is not sellable and this project will only make things worse.

Joanne Sandhu, Keizer, spoke in opposition to the project, urging the City to negotiate with the Herber family to purchase the property and make it a park.

Samantha Dill, Keizer, voiced opposition to the project expressing concern on overcrowding of schools and the resultant lack of education for children.

Karen Okada, Keizer, referred to her letter (included in the packet as Exhibit 11) in which she voiced opposition to the project due to overcrowding in area schools and pedestrian danger due to increased traffic. She noted that the area is a gateway to Keizer and urged that a three-story complex with crummy fences and no landscaping not be allowed.

Paul Elder, Keizer, expressed appreciation for the amenities in the City of Keizer and spoke in opposition to the project citing the wear and tear on the roadways and additional traffic.

Casey Sanders, Keizer, spoke in opposition to the project citing the abundance of apartments already in the area and heavy traffic which will increase if the apartments are built.

Nate Brown read into the record a letter from Suezq Smith voicing opposition to the project.

Mr. Johnson read the following statement: "Failure by the applicant or others to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the local government to respond to that issue precludes an action for damages in Circuit Court."

Mark Grenz explained that the site is located on significant roadways that can, as planned by the City's Transportation Plan, deal with the traffic. He challenged that if he was proposing a single family subdivision to the density allowed by current standards, neighbors would still be opposed. He referred to a letter from the school district based on their statistics district-wide noting that schools are not the basis on

which to judge the project. He explained that the geological conditions of the property would be investigated through the development process; the risks would be the same for single-family homes as apartments. He concluded stating that the City could acquire the property for a park if they wished and reminded Council that they need to plan for growth because it will come.

Mr. Brown then fielded questions from Council regarding stormwater runoff and treatment, building a road on the slope, and the location of the proposed driveways. He reminded Council that the site plan submitted was for illustrative purposes only; the actual plan will undergo extensive scrutiny. He suggested that any changes be included in the approval process as conditions.

With no further testimony Mayor Christopher closed the September 2, 2014 Public Hearing.

Mayor Clark opened the June 20, 2016 Public Hearing.

City Attorney, Shannon Johnson, explained that this matter was before Council in a quasi-judicial hearing for property located at Verda Lane between Dearborn and Chemawa, the Herber Farm. 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 or others 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 noted that if anyone had any objection as to conflict of interest, 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 conflict of interest, bias or prejudice on this case should do so at this time. Councilors individually stated whether or not they had any of these.

Community Development Director Nate Brown provided background information noting that significant changes have been made to the plans that were originally submitted. He explained that staff is proposing that the application,

rezoning, and comprehensive plan change be conditioned so that mitigations can be developed to address the impacts. He went over the differences between this plan and the original one, reviewed the remainder of his staff report and addressed the historical significance of the house.

Mr. Johnson provided additional information and clarification and directed attention to additional materials submitted after publication of the packet.

Mark Grenz, Multi/Tech Engineering, introduced the Herber family and following the testimony of Joe Herber he gave a powerpoint presentation which provided detailed information regarding the proposed development. He then fielded questions regarding the site plan, traffic, landscaping, and the development of design guidelines that would ensure that the project would look like the concept plans shown.

Joe Herber, Keizer, son of Rosalee and Joseph Herber, provided background information about his family noting that his mother was a teacher and always stressed the importance of education. Her intent in leaving the property to the family was so that her grandchildren and great grandchildren could pay for the best education.

Cori Budrow, Keizer, voiced opposition to the development noting that it would have a detrimental effect on are traffic.

Judith Odle, Keizer, expressed opposition to the development pointing out that there are already many apartments and mobile home parks in the area. She voiced concern that the development would have a harmful effect on traffic in the area. She urged that the City consider buying the property, making it into a park and preserving the house as a center point or bringing in an agricultural educational component.

Laura Scales, Keizer, spoke in opposition of the development suggesting that instead of apartments at the site the house be preserved and designated as a historical structure.

James Bucholz, Keizer, voiced opposition to the development noting that he was not opposed to development of single family structures, but was opposed to the development of apartments because of the negative impact they would have on traffic.

Marilyn Prothero, Keizer, expressed opposition to the development stating that she was concerned about the traffic impact and the potential of flooding and increased crime.

Bobbie Rogers, Keizer, voiced concern regarding the one entrance to the development and suggested that the structures be condominiums that could be purchased rather than apartments.

Jerry Walton, Keizer, spoke in opposition to the development due to the anticipated increase in the traffic and voiced concern regarding whether or not the construction design features would be implemented.

Jeffrey Hernandez, Keizer, indicated he was opposed to the development due to the potential for increased crime, the high concentration of people in the units, and the possible decrease in property value of adjacent homes.

Paul Elder, Keizer, stated that he was opposed to the development because of the negative impact it would have on the city including overcrowding and increased traffic. He suggested that the City reject the property offered for donation because it is in the floodplain and the property owner should pay the taxes on it.

Allen Kendall, Keizer, echoed the testimony of Mr. Hernandez adding that he felt the development would detract from the quality of life in Keizer.

Eamon Bishop, Keizer, spoke in opposition of the development noting that it would adversely affect the school system. He suggested that the house and cow pasture be preserved as a unique and historical feature of the city and urged the City to buy the property and preserve it as it exists.

Maria Bushek, Keizer, voiced opposition to the development reiterating previous testimony including detrimental impact to traffic and property values. She suggested a fundraiser be held to purchase the land and preserve it for the children.

Deanna Fuller, Keizer, indicated that she was opposed to the development of this property and urged that the historical preservation aspect of the property be pursued.

Karen Okada, Keizer, stated that she was opposed to the development noting that the changes from the previous proposal were insignificant and therefore the adverse impacts to traffic, schools and property values were the same. She provided statistics refuting the developer's numbers regarding increases in student population

and noted that with increased students, the roadways to the schools would need to be improved to provide safe walkways.

Jessica Davidson, Keizer, speaking on behalf of neighbors and friends, voiced opposition to the development siting increased traffic, high traffic speeds, reduced pedestrian safety, the possibility of overflow parking on residential streets or yards, and reduction in property values.

Larry Odle, Keizer, expressed opposition to this development and suggested that the unique piece of property be preserved. He voiced concern regarding improvements made to Dearborn and Chemawa and suggested that Verda was in greater need of improvement. He urged that something be done to preserve the property and still give the Herber family their money.

Debbie Crux, Keizer, voiced opposition to the development and concern for traffic impacts and property values. She urged that the city not accept the donation of land because it is a wetland.

Dennis Tephal, Keizer, spoke in opposition of the development and the roundabout. He suggested that traffic will be adversely effected and children put in danger and that the development will cause flooding and increase the cost of flood insurance.

Casey Michael Sanders, Keizer, stated that although the plan looks good, it is irrelevant because it is not set in concrete and a developer would not be concerned about the community and would build as many units as possible for the least amount of money. He also voiced concern that residents of the apartments would drive to Claggett Creek Park instead of walk and that would overcrowd the parking areas.

DeAnne Reierson, Keizer, expressed opposition to the development. She read portions of a newspaper article about the property and Rosalie Herber Moore, provided historical information and urged that the property be preserved for the community.

Wally Lien, attorney for the Herber family, asked that due to the lateness of the hour the oral rebuttal be waived and he requested an open record period to study the new information and provide additional information. He proposed an open record period for submission of any new evidentiary material until August 1, submission of evidentiary material in relationship to what the applicant submits until August 29 and final rebuttal that does not include any evidence, just argument by the lawyer, through September 6.

Mr. Johnson explained that the rule states that the Council upon request can leave the record open. The hearing is not continued for an oral hearing but the record is left open. If it is requested, it must be granted but does not have to be granted for the same times. Mr. Johnson suggested that the extension be for 120 days.

Mr. Lien stated that this would deal specifically with the historical information received this evening and would allow time to work with staff to see what kind of construction specifications can be put into conditions of approval to alleviate fears expressed about the handoff from the family to a developer and to make sure that what was shown today would be closely represented by what is actually built.

Mr. Brown proposed that this be put on the website and the 76 people who were notified before (all people living within 250 feet of the property and people who testified at the first hearing) would be notified again as well as people who testified tonight. Suggestions for notifications were mail, newspaper, website, and signage.

Council agreed by consensus to accept the timeline proposed by Mr. Lien with the additional 30 days making the extension 120 days.

Mr. Johnson clarified that it was most likely that Council would address this issue at the second meeting in October.

With no further testimony, Mayor Clark closed the Public Hearing and announced that the record will remain open according to the timeline established in this discussion.

At the September 19, 2016 Council meeting Mr. Brown reminded Council of the process, time periods, statutory requirements and provided information regarding additional efforts made by the City to keep the public informed. He explained that the Council had directed staff to address the documented need, impact and traffic impacts. Mr. Brown explained the following:

Housing Needs are based on the periodic review program which documents that the city needs additional housing lands of all types. It is important to note that the HNA did an inventory of available land and assigned multi-family housing to existing land already zoned for that. The same is true of single family residential lands. Either way, the city is still in a deficit; neither approach meets all of the City's needs. However, if the City is trying to meet its mandate from the State to accommodate these projected land needs, the city gets more credit by rezoning for multi-family than for single family development. Mr. Brown added that if the property were developed as a single-family development, it would need to be

replatted and would be developed under a more dense scenario, and if the area was developed as 50 units that would only reduce the housing supply need by 2% whereas a 33% reduction would result from a multi-family development.

Neighborhood Impact: Substantial conditions to mitigate any negative impacts to the neighborhood are listed in the staff report; for example implementing the same design standards that would be applied to a single-family development, such as limiting the structures to two stories from the neighborhood view, building materials and variation in design.

Traffic Impact: The applicant has submitted a new traffic impact analysis and the City completed this year additional traffic counts. The TIA definitely shows that although there are more trips generated, the impacts are within the guidelines adopted by the City and therefore in compliance. He explained that the adopted standards come from recognized and certified sources and must be relied upon.

Historic Designation: The home has not been listed as a national or state historic place. The state has inventoried it and has identified that it is significant and that it may qualify to be listed but the property owner has not chosen to designate it. Staff suggests that should someone come forward who wishes to preserve the home, they be allowed to do so. The applicant should make the home available to be moved to a site that would be appropriate and that six months should be given to allow the implementation of that provision followed by an additional six months to allow for the relocation of the home. Council could also require that the historical character of the home be documented and that an informational display be created for the general public so they could see how significant the home was and the role it played in the community.

Floodplain: The criteria for floodplains are changing; additional discussion with Council should take place. The applicant is aware of the issue, the application is not within the floodplain and the boundaries are not changing. FEMA however is considering changing the definition of a floodplain and elevations may rise because of the changes. The applicant, however, cannot receive a building permit without compliance with the floodplain program and any measures that apply at the time of the application or in the near foreseeable future if they are identified. The applicant is aware of that. Staff is suggesting that this process be evaluated on its own merits with the understanding that that is something that will have potential impact.

Stormwater: Specific design standards will need to be adhered to: critical basins, outflows, stormwater quality will all be expected and required through the permit process. Public Works Director Bill Lawyer added that the area drainage basin

has sufficient stormwater capacity and that the city is implementing conditions which will likely be required with the new Stormwater Permit.

School Population Impact: The school district is a separate district over which the City of Keizer has no control. They have complete control over where they assign students and the boundaries. The District has sophisticated tools available to determine student assignments, boundaries, housing types, demographics, etc. and to make those kinds of analysis based on the information in the modeling tools they have available.

Need for Parks: The City is requiring that the part of the property that is of critical concern to floodplain management and habitat be dedicated to the City (approximately 7 acres) for public use. The City is on a parks land budget. The HNA and State Land Use Laws require that a certain amount of parkland be developed to address the population forecast. Sixteen acres of that was used with the UGB expansion for Keizer Rapids Park leaving a total parklands budget of approximately ten acres. Staff is exploring where additional parks would be appropriate. The City does not have the funds to purchase, develop and maintain this property as park and it is unlikely that grants (similar to those received for Keizer Rapids Park) would be available to the City.

Mayor Clark named 6 parks already located in the general vicinity noting that this area is not underserved by parks. Mr. Lawyer noted that the area proposed to be dedicated to the City is critical to the stormwater program as well.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in the Keizer Development Code (KDC) and the Keizer Comprehensive Plan (KCP). The specific criteria are set forth below:

1. KDC 2.127 (Historical Landmark Overlay Zone)

2. KDC 2.315 (Design Standards)

3. KDC 3.106.04 (Criteria – Lot Line Adjustment)

4. KDC 3.109.04 (Comprehensive Plan Map Amendments – Criteria for Approval)

5. KDC 3.110.04 (Zone Change – Criteria for Approval)

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

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The applicant is Herber Farm, LLC.

2. The subject property is approximately 7.5 acres in size and located in the 4800 and 4900 block of Verda Lane. The property is identified on the Marion County Tax Assessor Map as Township 7 South; Range 3 West; Section 02AD; Lots 6700 through and including 7300 and Township 7 South; Randy 3 West; Section 02AA; Lots 3000 through and including 3600.

3. The subject property is designed as Low Density Residential and zoned Residential Single Family (RS). The applicant's proposal is to rezone the subject property from Single Family Residential (RS) to Medium Density Residential (RM) and re-designate the comprehensive plan designation from Low Density Residential (LDR) to Medium and High Density Residential (MHDR); and, through the Lot Line Adjustment process, consolidate the existing lots into one large parcel.

4. A portion of the subject property is developed with two single family homes and two outbuildings and the remainder of the property is undeveloped.

5. The surrounding properties to the east, north, and south are developed with existing single-family homes. These properties are zoned Residential Single Family (RS). To the west, across Claggett Creek, is Claggett Creek Park, on land that is zoned Pubic. The southeast corner of the Chemawa Road/Verda Lane intersection is zoned Medium Density Residential (RM) and is developed with a church.

6. The Hearings Officer held a public hearing on this application on June 12, 2014. The City Council held a public hearing on this application of September 2, 2014. The applicant's proposal was denied by City Council. On October 24, 2014, the applicant filed intent to appeal letter to LUBA. On June 1, 2015 a stipulated Order for Remand was issued. A new Council Hearing was held on June 20, 2016. On September 19, 2016, Council passed a preliminary motion to approve CP/ZC/LLA 2014-11.

FACTS: COMPREHENSIVE PLAN MAP AND RELATED FINDINGS.

7. The Review Criteria for a Comprehensive Plan Map amendment are listed in Section 3.109.04 of the Keizer Development Code (KDC).

A. *Section 3.109.04.A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

FINDINGS:

The request is in conformance with State Wide Planning and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the standards of the zone code and the Transportation System Plan. The proposal complies with the applicable intent statements of the Comprehensive Plan.

Goal 1 – Citizen Involvement: The proposal has included notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. A public hearing was held before the Hearings Officer, which was well attended with over 20 people providing testimony. Individuals that could not attend the hearing provided written comments. A second public hearing was held before the Keizer City Council. The hearing was televised. On remand, another public hearing was held before the City Council, together with an extended open record period. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and implementing administrative rules within Oregon Administrative Rules, and consistent with the City of Keizer development code and comprehensive plan.

Goal 2 – Land Use Planning: The purpose of this goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions. Under this goal, each plan and related implementation measure shall be coordinated with the plans of affected governmental units. Affected governmental units are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan. Implementation measures can be site specific. Applicants propose a site-specific comprehensive plan amendment. Keizer notified the various governmental agencies including the City of Keizer Public Works, the Keizer Fire District, and Salem-Keizer School District.

This proposal will amend the city's comprehensive plan map. The adoption proceeding was conducted in a manner consistent with requirements of the City's Comprehensive Plan, Development Code, and applicable state law. The city's comprehensive plan has been acknowledged by the Department of Land Conservation

and Development. A public hearing was held before the Hearings Officer and public hearings were held before the City Council. The public hearings provided an opportunity for verbal and written testimony. All written testimony that was submitted to staff was forwarded to the City Council. The Hearings Officer recommended the application be approved by the City Council. Any appeal of the City Council's decision is provided in ORS 197. The city's review and decision includes an adequate factual base and is consistent with this statewide planning goal and administrative rules.

Goal 3 –Farm Land - The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) zone allow commercial agricultural uses. However, within the city limits only the city's SA zone is a state recognized EFU qualifying zone. The comprehensive plan map amendment involves land that is within the boundaries of the city limits of Keizer. The proposal only involves land that is designated inside the city limits and is proposed to allow for residential development. It will not affect land that is designated either EFU or SA, or lawful uses occurring on those lands. Although the current use of the subject property is a nonconforming agricultural use, maintaining a small herd of cattle, the property has been specially assessed for farm use by the Marion County Tax Assessor's Office. The city does not consider that this property's only viable use is to continue to be used for farm uses. This determination is based on several facts. First, the property is within the city limits and surrounded by urban uses. The property is zoned RS which allows for residential single family development as its primary use and not commercial farm operations. The property was approved previously for a single family subdivision that was platted and created the 14 existing lots, but was never built. While the property is specially assessed, it is not recognized as an EFU qualifying zone. These reasons all support that the proposed comprehensive plan map change will not adversely affect any commercial farming operations that exist outside the city limits on lands designated by Marion County as EFU. Therefore, the proposed comprehensive plan map amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no zone districts that are specifically designated within the city limits that allow for commercial forestry. There are no commercial forest lands near, or adjacent to the city limits of Keizer. There are no commercial forest lands on the site. The proposal does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The comprehensive plan map amendment will only involve land that is designated inside the city limits and that is designated to allow for residential development. It will not affect lands which allow

for commercial forestry or lawful uses occurring on lands outside the city limits. Therefore, this Goal and implementing administrative rules are not applicable to the proposed comprehensive plan map amendment.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, floodplain, big game habitat, etc. The city established overlay zones to maintain, preserve and protect the natural resources that are identified within the comprehensive plan. The proposed amendment to the comprehensive plan map will not hamper the ability of the city to continue to provide natural resource protection regulations. The City of Keizer has a number of Goal 5 protections already in place. These include an inventory of wetlands within the city limits, floodplain development regulations, and Willamette River Greenway regulations. The site included in this application is not located along the Willamette River so the Willamette River Greenway regulations do not apply. The site is shown on the floodplain maps as being outside the 100 year floodplain that is adjacent to Claggett Creek. The floodplain boundary appears to be either along the base of the embankment or slightly above the base of the embankment. Any use or development within this floodplain area will be required to be done in accordance to all applicable floodplain regulations. According to the Salem-Keizer Local Wetlands Inventory, June 1998, there appears to be wetland soils along and adjacent to the riparian area along Claggett Creek on a portion of the adjacent parcel that is to the west of Philip Street and not part of this proposal. Because the property is within the city limits, it is not identified as being in a big game (bear, elk, etc) habitat area as are found in the coast or cascade mountain ranges. Because the site does not contain any identified natural resources as protected by the city, the amendment to the city's comprehensive plan map is consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city has a number of regulations in place to protect, maintain and enhance its natural resources such as air, water and land. To that end the city has land use regulations which are geared to protecting the quality of land. This is done through the development code regulations. The City of Keizer provides its residents with water from groundwater sources. The city monitors the water quality of the drinking water to ensure that it complies with all state and federal regulations. Since the proposal is to develop the subject property with multi-family apartments, the new buildings will be required to be connected to the municipal sanitary sewer line thereby eliminating the possibility of groundwater contamination from new on-site septic systems.

The city has been developing stormwater regulations to protect water quality and the proposed development will be required to meet the city's stormwater drainage requirements. The cattle that are currently on both the subject property and the adjacent tax lot will not remain after this site is developed. With the cattle removed, the runoff from this small cattle operation will be eliminated and will create a positive effect on the water quality of Claggett Creek. The City of Keizer is regulated by DEQ for the contribution of pollutants from the City that discharge into the Willamette River. The pollutants of concern that impact beneficial uses in the Willamette River are bacteria, mercury, and temperature.

Onsite backyard burning is regulated by the local fire department and air regulations are enforced by the state Department of Environmental Quality. The revision to the city's comprehensive plan map will not adversely impact the ability of the city to continue to protect the quality of air, water, or land resources. As such, the proposal complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The City of Keizer has adopted floodplain regulations that govern the placement of structures within identified 100-year floodplains and which have been reviewed by state and federal authorities and been deemed to be compliant with adopted goals and objectives. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek which borders the site. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment, the 100-year floodplain is the natural hazard area of greatest concern. This area is referred to as a 100-year floodplain because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not classified as a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is the area that is generally the channels of rivers and streams that during a flood event experience very significant water depth and velocity flows. According to Flood Insurance Rate Map (FIRM) 41047C0332G, dated January 19, 2000 the subject property involved in this application is outside the floodplain area. The floodplain boundary appears to be located either along the base of the embankment or slightly above the base of the embankment. While the proposal is to

develop the flat upper portion of the subject property adjacent to Verda Lane, if any development within the floodplain area is contemplated, it will need to comply with the city's floodplain regulations. The site where development is proposed is flat. There is a steep embankment that forms a natural barrier from the lower portion of the site near the creek. There are no other identified natural hazards associated with the subject property. The revision to the city's Comprehensive Plan map will be consistent with this goal and any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city as identified in the City's Parks and Recreation Master Plan. This plan inventoried 92 acres of parks within the city and another 120 acres (Keizer Rapids Park) under the city's jurisdiction but outside the UGB. This is comprised of one large incorporated park (Keizer Rapids Park); one large 10.6 acre city park; 10 small city parks ranging in size from 1.3 acres to 5.9 acres; three waterfront parks ranging in size from 1.5 acres to 11.2 acres; one 15.4 acre special use park; two natural area parks ranging from 3.7 acres to 9.5 acres; and one 6.1 acre undeveloped park. The needs assessment determined that there are gaps in park level of service coverage; that the general west Keizer area is underserved and that additional park land is needed. The adopted master plan established a level of service of 5 acres per 1,000 residents. The Regional Housing Needs Analysis (HNA), which was a two year analysis that began in 2011, identified a need of 43 acres to help meet future park and recreation land needs. While there will be a slight (15 acres) deficit in reaching full compliance with the projected park land needs after adding the additional 28 acres to Keizer Rapids Park, almost 20 years are left in the planning period for that to be accomplished. There is adequate capacity in the city's park system to accommodate the future residents of the subject property.

Just to the west of the site, across Clagggett Creek, is Claggett Creek Park which can conveniently provide for the recreational needs of the proposed residents of this site. Claggett Creek Park is a 10.6 acre park that has a variety of features such as soccer and baseball fields, a small basketball court, horseshoes, playground equipment and picnic area. The Parks and Recreation Master Plan indicates that there are opportunities to expand the park by acquiring a portion of the property that is on the east side of the park. At this time, the city has not actively pursued that option. The development of the subject property will not preclude the potential for the tax lot that is adjacent to the creek to one day be included as part of the park. However, this area is not included as part of this application and will require separate discussions between the city and the property owner before it can either be included as part of the park or any riparian and water quality enhancements are added to the land. The proposed

amendment to the Comprehensive Plan map complies with this goal and any related rules.

Goal 9 – Economic Development: The intent of this goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. This goal addresses commercial and industrial development, primarily in urban areas. Under OAR 660-009-0010(1), the requirements of Division 9 are applicable to comprehensive plans for areas within urban growth boundaries.

The City of Keizer, along with the cities of Salem and Turner, and Polk and Marion Counties developed a regional economic opportunities analysis which identified the economic potentials and constraints within the Salem – Keizer regional area. This planning effort had the goal to enhance local economies. A follow up to that study, the Keizer Economic Opportunities Analysis (EOA), was undertaken and documented the economic trends and economic opportunities which are geared specifically to Keizer. This study was adopted by the City Council in June 2013 as part of Periodic Review and was acknowledged by the state.

This proposal for a comprehensive plan map amendment will be strictly for residential uses and will not be for any commercial or industrial uses. Therefore, it will not have any adverse impact on the economic development activities or uses within the city. The proposal is to locate 112 dwelling units on the site. This will strengthen the economic vitality of the community and will result in more potential employees and consumers of local goods and services.

The EOA documented the composition of employment by industry in Keizer and exhibits several large deviations from the statewide composition. The deviations represent Keizer's competitive advantages in the economy, which fall largely in population-driven services with industry classifications such as Retail Trade, Education & Health, and Food Service & Drinking Places having a high representation locally. These well-represented industries, in combination with economic development goals and input from the stakeholders, were used to devise potential future target industries. After discussing and ranking industries based on local aspirations and current representation of that industry in Keizer, the City Council determined that the following list of target industries are appropriate for Keizer to target:

- Medical facilities, including research, development and support
- Information technology/back office
- Educational services, including educational research and job training
- Professional services, including corporate headquarters
- Sporting events

Current employment levels by industry were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels. The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. An inventory of 123 acres of buildable land designated for commercial and industrial categories are within the city boundary. However, there is no land available that is well-suited for the institutional category, which includes hospitals, higher education facilities, and other uses that figure heavily into the city's economic development strategy. Finally, the EOA documented that there is a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the city's remaining buildable employment lands can accommodate. This need is in addition to the projected need for additional residential land to serve the expected population growth. The proposal is for residential development and there will not be any commercial or industrial uses on the site. The only employment that will be associated with the site will be construction and perhaps property management employees. The construction jobs will be short term and any property management will be small in operation. Therefore, the overall economic impact associated from the proposal will be minor and will not adversely impact this goal. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: The intent of this goal is to provide for the housing needs of citizens of this state.

The City of Keizer with Marion County, Polk County, and the City of Salem developed a regional housing needs analysis for the upcoming 20 year planning period. In a follow up to the regional study the city adopted its own local Housing Needs Analysis as part of the city's Periodic Review that was geared specifically to Keizer and identified the projected 20 year housing needs for the city. The HNA was adopted by the City Council in June 2013 as part of periodic review update and was acknowledged by the Department of Land Conservation and Development (DLCD).

The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number of non-group households by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential

lands found that there was a supply of 315.2 total acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. The HNA documented that there was approximately 24 acres of vacant RM land available for development. According to the HNA, this would be approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplex; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524 (Figures 15 through 18 HNA).

When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres.

The comprehensive plan identified that there is only a small of amount of land that is vacant (5.7 acres) and that is zoned for multi-family development. The Comprehensive Plan notes that "Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the city will:

> "Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan. Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan. Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools."

The existing neighborhood consists of single family housing and the surrounding properties are zoned for single family development. The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant's site plan indicates that 112 units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units on the site. For comparison, if the site were developed as was platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the subject property consisting of 7.5 acres were developed consistent with the RS standard, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. As proposed the site could result in an approximate

density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicant seeks. The increased density will result in the site being used to help offset some of the identified residential land need that is forecast.

The subject property can be served by all urban services including sanitary sewer (through an agreement with the city of Salem); administration; police and water by the city of Keizer; and fire service provided by the Keizer Fire District. The subject property is located very close to Claggett Creek Park which provides a wide range of recreation amenities. There are a number of schools nearby, and there are nearby shopping and employment opportunities along the River Road corridor to the west as well as in Keizer Station to the east. This proposal will be consistent with the city's Comprehensive Plan and also with this goal and any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of the county. The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), an established street system, administrative, police and public safety. The proposed development is located in an area where these services are readily available.

Transportation is discussed in detail in subsequent findings.

The city provides water through a system that utilizes groundwater. There are existing water lines in each of the three streets fronting the property. The city's water system has adequate capacity to provide service to the site and can serve the level of development as proposed. Sanitary sewer service is provided through an intergovernmental agreement by the City of Salem. There are sanitary sewer lines in each of the streets fronting the property and there is sufficient capacity to be able to provide service to the site and serve the level of development as proposed. The site is located within the original Keizer Sewer District so a sanitary sewer trunk line acreage fee will not be required. 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 will be required to submit plans 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 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 to meet the City of Salem Design Standards. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services

will be required prior to submission of construction plans for the development. 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 will be required to be reviewed by the Keizer Fire District with regard to access and location of fire hydrants prior to the issuance of any building permits by the City of Keizer. Any existing wells on the subject property are to be abandoned. The developer will be required to provide evidence that any abandonment of existing wells has been completed in accordance with the rules of the Oregon State Water Resources Department. The Keizer Water Department will need to approve the location of all meters.

Police and administrative services are provided by the City of Keizer and will serve the subject property. Educational services are provided by both the Salem-Keizer School District (K through 12) and Chemeketa Community College (post high school). The Salem-Keizer School District commented that they had reviewed the application and that sufficient school capacity exists in the elementary and middle schools but not at the high school. However, the school district typically makes provisions for additional students through boundary adjustments, additional capital improvements or other methods. Both Verda Lane and Chemawa Road are transit routes. The Salem-Keizer Transit District is responsible for providing transit service. Other services such as trash pick-up, telephone, electrical, etc. are all provided by private providers and there is no indication that there would be any issues with any of these services. The proposed Comprehensive Plan map amendment will not impact the city's public facilities and services, and so this goal and any rules are satisfied.

Goal 12 – Transportation: The intent of this goal is to provide and encourage a safe, convenient and economic transportation system.

The City of Keizer has an adopted Transportation and System Plan (TSP) (2009) that documents the city's transportation systems and plans for future transportation improvements over the coming 20-year planning period. This TSP includes streets, transit, bike, rail, and pedestrian transportation systems. Verda Lane and Chemawa Road are each classified in the City's TSP as minor arterials. Chemawa Road is an improved 36 foot wide street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is a 32 foot wide street within a 46 foot wide right of way and there is no sidewalk along the Verda Lane frontage. Rather, there is a striped, shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and is a 47 foot wide street within a 60 foot wide right of way which tapers down to 33 feet near the creek. It has a shared bicycle/pedestrian lane along the frontage of the site.

In addition to the three streets that physically exist there is a fourth street, Philip Street, which is a platted 60 foot wide right of way that borders the site to the west; this street does not physically exist. While this street is technically not part of this application, it should be noted that this street, in all likelihood, never will be constructed since it would result in a street intersection that would be too close to the round-about at the Chemawa Road / Verda Lane intersection and the Verda Lane / Dearborn Avenue intersection. If constructed, the street would thereby adversely affect the operation of each intersection. Since the city has no plans for its construction, it is a condition that the applicant submit a street vacation application to eliminate this right of way. This would need to be a separate application.

The Chemawa Road / Verda Lane intersection has had a very recent and significant upgrade that includes a new round-about at this intersection. This intersection improvement project will greatly improve the am and pm travel times at this intersection as it will allow for a constant flow of traffic and eliminate the stopping and queuing of vehicles. With the completion of the round-about this intersection is projected to operate at LOS B in the am peak hour and LOS C in the pm peak hour. The intersection improvement included road widening, curbs, sidewalks, bike lanes and storm drainage facilities at this intersection. Both Verda Lane and Chemawa Road are transit routes and there is an existing transit stop at the site. The Salem –Keizer Transit District is responsible for providing transit service.

The consolidation of the existing 14 lots into one large parcel will eliminate the possibly of each one of the existing lots having its own driveway onto Verda Lane. This would be replaced with only needing 3 driveways onto Verda Lane to access the subject property. The reduction of the number of driveways that could potentially be located along Verda Lane will have a positive impact on the operation and function of the street as it will minimize the number of vehicles turning onto and turning off of the road along this stretch of Verda Lane.

A Transportation Planning Rule Analysis was submitted as part of the original application. This analysis studied the impact that the proposed development would have on the nearby intersections. It documented the existing conditions and then input the new development. It found that the proposed development would result in 84 am peak hour trips and 102 pm peak hour trips. The analysis determined that slightly more of this new traffic will use the Chemawa Road / Verda Lane intersection than the Verda Lane / Dearborn Avenue intersection. The analysis projected that the result of the new development would be that the Verda Lane / Chemawa Road intersection will have a 2033 a.m. peak hour LOS B and a 2033 p.m. peak hour LOS C and indicated that the Verda Lane / Dearborn Avenue intersection will have an a.m. peak hour LOS C and a p.m. peak hour LOS D. Each intersection will operate within the

city's adopted LOS E for these intersections; so no additional intersection improvements will be needed as a result of the proposed development.

It should be noted that this previous analysis assumed a density of 165 dwelling units as allowed in the zone code. However, the site plan indicates that only 112 units are proposed, which will result in a reduction in the number of vehicles entering or exiting the site. The applicant submitted a revised Transportation Planning Rule Analysis dated March 17, 2016. Using the proposed 112 dwelling units for analysis, this report found that the proposed development would result in 57 a.m. peak hour trips and 69 p.m. peak hour trips. This shows a significant reduction from the previous possible allowed plan and a condition shall be included requiring that the dwelling units not exceed a 112 units thereby putting a "cap" on trips from this development.

Public Works has commented that as part of the development of the property, 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. The minimum acceptable right of way will result in 34 feet from the existing centerline of Verda Lane. Right of way dedication along the easterly 125 feet of Dearborn Avenue will be required to eliminate the existing jog in the right of way line. Additionally, a right of way line radius of 30 feet shall be dedicated at the intersection of Verda Lane and Dearborn Avenue.

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 Verda Lane with a 6 foot wide property line sidewalk, and widening of Dearborn Avenue including a property line 6 foot sidewalk on the north side of the street. 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 along Chemawa Road, Dearborn Avenue, and Verda Lane. No access will be allowed to Philip Street from the subject property. As conditioned, the proposed comprehensive plan map change will be consistent with this goal and all applicable rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance with all the current applicable energy conservation standards which will be part of the review for any building permit on the subject property. The availability of transit so close to the subject property will increase the likelihood that some of the residents will travel by bus rather than using their own cars, thereby reducing vehicle miles travelled and saving energy. Requirement that all new construction will comply with all the current applicable energy conservation standards will ensure that the proposed comprehensive plan map

amendment will be consistent with this goal and any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code. Both comply with this goal and aim to utilize land that is within the urban area before seeking to develop land that is outside of the city's urban area. The subject property is neither outside of the city's urban growth boundary nor is it on the fringe of the urban area. Rather the site is within the developed urban area and in a part of the city in which public facilities are adjacent to the site and can readily serve the site. This will result in an orderly and efficient connection to existing urban services and facilities. The subject property is proposed to be developed with multi-family residential dwelling units that will result in no impact on lands that are outside the city limits. The result of the recent EOA and HNA was the documentation that the city has a deficit of lands to meet future employment and residential needs. This means that the city must consider a number of options in an effort to provide for future land needs. The options can include increasing the efficiency of land uses and development within the urban area, expanding the urban growth boundary to meet this need, or some combination thereof and in addition other possible scenarios that can be successfully utilized.

The requested comprehensive plan change will result in the conversion from 7.5 acres of land that is now designated to allow for single family development to the designation of Medium and High Density Residential. The applicant's site plan shows 112 dwelling units on the site. This conversion will enable the city to meet some of its projected residential land needs on land that is inside the city limits without having to expand the UGB for this same amount. If the site were developed as previously approved, it would result in there being 14 dwelling units on the site for an overall density of 1.8 dwelling units per acre. The RS zone allows for a minimum density of 4 units per acre and a maximum of 8 units per acre. Therefore, the site would allow for development in a manner that is inconsistent with the intent of the zone code and would be contrary with the focus of the HNA and a number of comprehensive plan policies that seek to increase the efficiency of the development of land within the urban area.

The proposal allows for increased density on the site so that there might be 112 units on the site for an overall density of 16 units per acre. For these reasons the proposal is consistent with this goal and with its implementing administrative rules.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The Willamette River is located along the western flanks

of Keizer. The City of Keizer has its own Willamette River Greenway regulations. The site involved in this application is not along the Willamette River so these regulations are not applicable. The proposal will have no impact on this goal as it is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources) govern areas along the ocean. Since Keizer is located in the Willamette Valley and not along the Oregon coast Goals 16 to 19 are not applicable.

The proposal to change the Comprehensive Plan designation from Low Density Residential to Medium and High Density Residential complies with the comprehensive plan criterion.

B. *Section 3.109.04.B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.*

Only the goals and policies that have been identified as being applicable to this application are included in these findings.

a) *Residential Development Goal 2: Encourage the location of residential development where full urban services, public facilities, and routes of public transportation are available.*

FINDINGS:

The subject property is located within the city limits and can be fully served by all urban services. City water and sanitary sewer are located in each of the three streets that front the site. Verda Lane and Chemawa Road are each classified in the TSP as minor arterial streets. Chemawa Road has an existing sidewalk along the frontage of the site, while there is none on the Verda Lane frontage. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road and has a shared bicycle/pedestrian lane along the frontage of the site. The Chemawa Road / Verda Lane intersection has recently had a significant upgrade that includes a new round-about at this intersection. As previously noted both Chemawa Road and Verda Lane are transit routes and there is a transit stop at the site so the site can be served by public transportation. Therefore, that proposal complies with this goal.

b) *Residential Development Objective 2.1: Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, schools and parks.*

FINDINGS:

The site is located within the city limits that can be fully served by all urban services. City water and sanitary sewer are located in each of the three streets that front the site. Verda Lane and Chemawa Road are each classified in the TSP as minor arterial streets. Chemawa Road has an existing sidewalk along the frontage of the site, while there is none on the Verda Lane frontage. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road and has a shared bicycle/pedestrian lane along the frontage of the site. The Chemawa Road / Verda Lane intersection has recently had a significant upgrade that includes a new round-about at this intersection. Both Chemawa Road and Verda Lane are transit routes and there is a transit stop at the subject property so the site can be served by public transportation. Educational services are provided by the Salem-Keizer School District and by Chemeaka Community College. As part of their review, the school district commented that they had reviewed the application and that sufficient school capacity exists in the elementary and middle schools but not at the high school. However, the school district typically makes provisions for additional students through boundary adjustments, additional capital improvements or other methods.

The city has an adopted Parks and Recreation Master Plan. The adopted master plan established a level of service of 5 acres per 1,000 residents. The HNA identified a need of 43 acres to help meet future projected park and recreation land needs. While there will be a slight (15 acres) deficit following the addition of 28 acres to the Keizer Rapids Park in reaching full compliance with the projected park land needs, almost 20 years are left in the planning period for that to be accomplished. There is adequate capacity in the city's park system to accommodate the future residents of this property. To the west of the subject property, across the creek is the Claggett Creek Park. This park has a wide range of recreation and park features and can provide convenient access for park use to the future residents of this site. Therefore, that proposal complies with this objective.

c) *Residential Development Policy 2.1: (2) Consider rezoning parcels to higher residential density to meet identified multi-family housing needs provided such proposals are consistent with the policies of this Plan and*

implementing ordinances. Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit; are served, or can be served, by all urban services, including parks and recreational facilities; and are in close proximity to opportunities for shopping, employment and/or schools.

FINDINGS:

The proposed rezoning will meet the need for additional land to meet forecasted residential land needs. The HNA documented that there is a deficit of 267 acres to meet the projected residential land needs of the city over the coming 20 year planning period. In addition, the HNA notes that there is a limited amount of vacant land zoned for multi-family development. Therefore, there is insufficient land to meet the city's needs for multi-family development. The subject property is located in an area that is within the city limits that is fully served by all urban services. All services can meet the needs of the proposed development. City water and sanitary sewer are located in each of the three streets that front the site. Verda Lane and Chemawa Road are each classified in the TSP as minor arterial streets. Chemawa Road has an existing sidewalk along the frontage of the site. However, Verda Lane frontage has no sidewalks. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road and has a shared bicycle/pedestrian lane along the frontage of the site. The Chemawa Road / Verda Lane intersection has recently had a significant upgrade that includes a new round-about at this intersection. Each of these streets are considered as major transportation corridors. Verda Lane and Chemawa Road are both served by transit and there is a transit stop at the site. The site is located across the creek from Claggett Creek Park which has a variety of recreational facilities in it that are available to the public. To the west of the site, approximately ½ mile, is the River Road commercial corridor which has ample opportunities for shopping and employment. In addition, approximately 2/3 miles to the east is Keizer Station which also has ample opportunities for shopping and employment. The proposal complies with this policy.

d) *Residential Development Goal 3: Stabilize and protect the essential characteristics of residential environments, including natural features.*

FINDINGS:

The proposed comprehensive plan change will result in the site being changed to Medium and High Density Residential so that the site can then be developed with multi-family dwelling units. The development of the site will be required

to comply with the standards within the RM zone district with regard to density, building setback, landscaping, building design, parking and driveway location to ensure that it minimizes any impacts on the characteristics of the surrounding area. The lower portion of the Herber property is a separate tax lot and is not proposed to be developed. It will remain in its natural condition and there will be no adverse impacts to the environment from the proposed development. In fact, the removal of the cows from the property will result in a positive impact to the creek by eliminating animal waste runoff from the property. As noted previously, this will also have a positive impact on assisting the city to meet water quality issues for the Willamette River and its tributaries. As the lower portion along the creek is not part of this proposal, the result will be that the lower portion will remain in a natural undeveloped state and be an additional buffer to the adjacent park to the west and to Claggett Creek. This goal will be satisfied.

e) *Residential Development Objective 3.1: Ensure compatibility among all types of new and existing residential uses, and between residential and non-residential uses.*

FINDINGS:

The focus of this objective is to ensure compatibility between uses. Single family uses are located to the south across Dearborn Ave, to the north across Chemawa Road, and virtually along the east side of Chemawa Road, although there is RM designated land across the street from the subject property. This RM designated land includes a church and apartments to the east of the church. There is a park across Claggett Creek to the west, and north of the park across Chemawa Road is a manufactured dwelling park on land designated RM. The developer will be required to comply with the standards within the RM zone district with regard to density, building setback, landscaping, etc. to ensure that it minimizes any impacts on the surrounding area. The building setback of 20 feet to the street combined with the width of each street will result in the placement of any building not being in close proximity to any nearby residence. The buildings will likely be located no closer than 100 feet from any adjacent residence. Many of the proposed buildings that are shown on the site plan, are located along the western portion of the site and are significantly further than 100 feet from any adjacent buildings. In addition to the required building setbacks there are also landscaping requirements that will ensure that the development is buffered and screened. The developer will be required to meet density requirements, building height and building design requirements to ensure compatibility with adjacent land uses. The site is separated from

Claggett Creek Park by the adjacent tax lot, which is not part of this application. This additional separation will further assure that the proposed dwellings are placed as far from the park as possible. The proposal complies with this objective.

f) *Residential Development Goal 4: Provide and allow for appropriate levels of residential development consistent with comprehensive plan designations.*

FINDINGS:

The HNA indicated that over the next 20-year period, there will be a growth in the number of non-group households by 4,366 households. This will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands found that there was a supply of 315.2 total acres which are vacant, partially vacant, or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. The HNA documented that there was approximately 24 acres of vacant RM land available for development which according to the HNA for approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplexes; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524.

The comprehensive plan identified that there is only a small of amount of vacant land (5.7 acres) that is zoned for multi-family development. The Comprehensive Plan notes that "Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the City will:

Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.

Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan.

Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools."

The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant's site plan indicates that 112 units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units on the site. For comparison, if the site were developed as was platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the 7.5 acres were developed consistent with the RS standards, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. As proposed the site will result in an approximate density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicants seek. The increased density will result in the site being used to help offset some of the identified residential land need that is forecasted.

g) *Plan Diagram and Special Land Use Policy 1: Provide appropriately designated vacant buildable land in adequate quantities to meet the forecast needs of Keizer to 2033.*

FINDINGS:

The Comprehensive Plan indicates that lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. It identifies four strategies for the city to pursue. These are:

(a) Plan for medium and high density residential uses consistent with the 20 year housing demand analysis.

(b) Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.

(c) Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan. Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.

(d) In the medium and high density residential designation, allow a mix of housing types in two general levels of residential density; medium density (from 8 to 16 units per acre), and high density (over 16 units per acre), and identify criteria and locations for these two sub-categories in the Keizer Development Code.

Consistent with the comprehensive plan, the city has identified that a deficit exists to meet projected housing needs, including those needed for future multi-family needs. The proposed rezoning is located along two minor arterial streets (Verda Lane and Chemawa Road) and one collector (Dearborn Avenue) and is considered a major transportation corridor. The site is readily served by transit as both Verda Lane and Chemawa Road are transit routes. In addition, there is a transit stop at the subject property. Sanitary sewer lines and water service lines are located in the streets fronting the site and there is capacity in the systems to allow the connection of the subject property to these facilities. City services such as police and administration will be provided. To the west, across Claggett Creek, is Claggett Creek Park which provides many recreational opportunities to the general public and to the subject property. Approximately ½ mile to the west is the River Road commercial corridor which provides ample opportunities for shopping and employment. To the east, approximately 2/3 mile is Keizer Station which also provides for a variety of shopping and employment opportunities. Nearby schools include Kennedy Elementary School located two blocks to the east; Claggett Creek Middle School to the south; and, McNary High School to the west down Chemawa Road. The proposed comprehensive plan change to Medium and High Density Residential will conform to the density provisions of this policy. This policy is satisfied.

h) *Urban Growth Policy 1: Contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.*

FINDINGS:

This proposal is to change the comprehensive plan designation to Medium and High Density Residential. This will allow the property that is located within the city limits to be developed with a multi-family apartment complex. The site can be served by all city services. Water lines and sanitary sewer lines are located in the streets fronting the subject property and they have the capacity to serve the site. Police and administration will be provided by the city. Fire service will be provided by the Keizer Fire District. Allowing the comprehensive plan amendment will help to offset some of the needed land to meet future residential needs thereby minimizing the need to expand the city's UGB. This policy is satisfied.

i) *Urban Growth Policy 2: Conserve resources by encouraging orderly development of land by adopting efficiency measures that will further allow for the efficient use of urban land.*

FINDINGS:

The city has adopted efficiency measures as part of the recent periodic review update and the previous update of the city's TSP. Because this application involves land that is proposed to be used for residential use, the efficiency measures are applicable and will be useful to assist the city in the future in determining how efficient the city's land supply is being used. The efficiency measures seek to increase the pedestrian, bicycle, transit and land use and funding measures. The developer of the site will be responsible for providing frontage improvements that are currently lacking, including sidewalk and bicycle lanes along the frontage of the property. In addition, the development will be located along a transit corridor and will be consistent with the measures since it will increase the number of dwelling units located within a ¼ mile of a transit stop. This will allow the potential new residents to use the transit system rather than relying only on their cars for transportation. The proposal will allow for the efficient use of the land and will meet with this policy.

j) *Urban Growth Policy 3: Preserve farmland and open space not needed for urban growth.*

FINDINGS:

The proposal will allow land that is within the city limits to be developed with multi-family dwelling units. Because the land is within the city limits, it will allow the city to meet some of its projected residential land needs inside the urban area and avoid the need to place needed residential units on land located outside the city limits. While this property has historically been used for a small cattle operation, the property is not designated for commercial farm uses. The property is designated for Single Family Residential and commercial farms are not listed as a permitted use, special use, or conditional use within the RS zone. However, since the farm use on the site has been occurring for many years it has been considered as a non-conforming use. The intent of the non-conforming section is that at some point the use that is non-conforming will cease and the property will then conform to city regulations. The property was previously approved for a residential subdivision that would allow development of single family homes. However, it was always considered that residential uses and not commercial farm uses were consistent with the city's regulations.

The subject property is adjacent to Claggett Creek Park and, due to its undeveloped nature, the community has enjoyed the open space qualities associated with it. However, it is not identified in the comprehensive plan as needed for open space. The Comprehensive Plan has recognized for some time that this site would be developed at some point. The lower portion of the property is a separate tax lot from the upper portion and is not proposed for development. This will result in the area adjacent to the creek being left undeveloped and retaining its open space qualities. This is consistent with the Natural Resources and Open Space policy which seeks to protect and preserve open space along the Willamette River and Claggett Creek. The proposal complies with this policy.

k) *Urban Growth Policy 4: Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.*

FINDINGS:

This proposal will allow for the subject property to change the comprehensive plan designation to Medium and High Density Residential. Because water lines and sanitary sewer lines are located adjacent to the site, and there is sufficient capacity in these facilities to serve the site, no expensive extensions will be necessary. Police and administration will be provided by the city of

Keizer and fire safety services will be provided by the Keizer Fire District. With the exception of the Verda Lane / Chemawa Road intersection improvement, the applicant will be required to provide frontage improvements along Verda Lane and Dearborn Avenue. The Verda Lane / Chemawa Road intersection has already been approved for funding by the state. The proposal reflects an economical use of city facilities and services. Because the city has an identified deficit of residential land to meet its future needs, the site will help to offset this identified need. This policy is satisfied.

l) *Urban Growth Policy 9: Maintain an adequate land supply to meet the needs of the city.*

FINDINGS:

As part of the recent EOA and HNA, the city documented that there is a need for 267 acres of residential land to meet the future needs of the city as noted in the tables below.

Figure 11: Projected Total New Land Need
City of Keizer, 2033

Category of Land	Gross Acreage Remaining Need
Commercial:	21.6
Industrial:	0
Institutional:	41.8
Residential:	267.6
Parks and Recreation:	43.5
Schools:	10
Total New 20-Year Land Need:	384.5

Figure 12: Vacant Buildable Summary

Zoning	Vacant	Partially Vac.	Redevelopable	Total
Single family	49	143	7	199
Multifamily	5.7		18	24
Urban transition	9	41		51
Industrial	17	-	33	50
Commercial	9	2	23	42
Mixed use	17	2	23	42

This was based on an adopted 20 year population forecast that was consistent with Marion County's coordinated 20 year population projection for the county. The HNA documented that there is a very limited amount of land available for multi-family development. Figure 12 of the HNA indicates that there is only 5.7 acres of land that is vacant and zoned for multi-family development. This is less than the applicant seeks to develop. Because of the lack of alternative sites within the city limits that could meet this projected need, the proposal demonstrates a lack of viable alternatives that could meet this need and provide land to meet the projected land needs for projected multi-family use. The proposal satisfies this policy.

m) *Urban Growth Policy 9a: Future urban development will be contained within the geographical limits of an urban growth boundary unless it is demonstrated that there is not sufficient land within the UGB to accommodate forecasted growth.*

FINDINGS:

While the proposal has demonstrated there is not sufficient land within the city limits, the proposed comprehensive plan amendment seeks to change the designation in an effort to help meet some of the need and will not involve any request to amend the city's urban growth boundary. The proposal satisfies this policy.

n) *Urban Growth Policy 9h: Development of land with existing urban services will be encouraged before the conversion of urbanizable lands to urban uses.*

FINDINGS:

The subject property is located within the City of Keizer and services are readily available to the subject property. This policy is satisfied.

Section 3.109.04B is satisfied.

C. *Section 3.109.04.C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

FINDINGS:

The proposal will provide land to allow the city to be able to meet a portion of its projected residential needs as was documented in the HNA, a required periodic review task. The adoption of the HNA resulted in the city completing its periodic review. The periodic review was then acknowledged by DLCD. The result of this analysis established that there is a lack of land to meet the projected residential needs of Keizer for the next 20 year period. The HNA documented a deficit of 267 acres to meet the needs of the residential needs category. It further documented that only 5.7 acres of land designated for multi-family are currently available to meet this type of need. It noted that this is insufficient to meet the projected need for multi-family housing. This proposal will result in the city being able to meet 7.5 acres of the projected need of 267 acres needed for all residential uses, and in particular the projected need for 1,437 dwelling units for multi-family development. This criterion is satisfied.

D. *Section 3.109.04.D. The Plan provides more than the projected need for lands in the existing land use designation.*

FINDINGS:

The proposal will provide land that will allow the city to meet a portion of its project residential needs as determined by the HNA periodic review. The adoption of the HNA resulted in the city completing its periodic review and the state then acknowledged the city's update. The result of this analysis indicated a lack of land to meet the projected needs for the next 20 year period. This proposal will result in the city being able to meet part of its projected residential lands need. However, it should be noted that the intent of this criterion is to demonstrate a need for specific land use types without removing needed

land use types from the existing inventory. The proposal is consistent with the requirement of providing adequate land for specified land use types and, therefore, is consistent with this criterion. This criterion is satisfied.

E. *Section 3.109.04.E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.*

FINDINGS:

The proposed comprehensive plan designation is Medium and High Density Residential and the appropriate zone designation will be RM. The intent of this designation is to allow the development of the site with a multi-family apartment complex. Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and is part of the church property and is designated RM. There are apartments just to the east of the church also on land zoned RM. To the west land is within Claggett Creek Park and across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the width of the streets and the building setback on the lots across from the site will help ensure that proposed development will not be located up against or near any property line. In addition to the required building setbacks, landscaping requirements will further buffer and screen the development from surrounding properties. The new development will be required to meet building height, design and density standards. The subject property is separated from the park by an intervening tax lot. This will ensure that no buildings will be situated up against either the park or the creek adjacent to the park. Located across the street from the subject property is a multi-family zone and a RM zone is located slightly to the northwest of the subject property and a park is to the west. These factors indicate that while there are many single family uses in the area, there is also a variety of other land uses in the immediate vicinity. The area is not exclusively a single family neighborhood. The subject property is located along a transportation corridor. Verda Lane and Chemawa Road are classified as arterial streets and Dearborn Avenue classified as a collector street. These streets are designed to handle larger volumes of traffic. The site is also located near shopping areas, and employment and schools all exist nearby. These factors are indicators that the site can be developed in a manner that will not destabilize the existing land use pattern in the vicinity and so therefore, the proposal complies with this criterion.

F. *Section 3.109.04.F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

FINDINGS:

The proposed comprehensive plan designation will be Medium and High Density Residential and the appropriate zone designation will be RM. The intent of this designation is to allow the development of the site with a multiple family complex. Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and part of the church property. It is designated RM. Apartments are located just to the east of the church on land that is zoned RM. To the west, land is within Claggett Creek Park. Across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the width of the streets and the building setback on the lots across from the site will help ensure that proposed development will not be located up against or near any property line. In addition to the required building setbacks, landscaping requirement will provide a further buffer and screen the development from surrounding properties. The subject property is separated from the park by an intervening tax lot. No buildings will be situated in close proximity to either the park or the creek adjacent to the park. Nearly all of the surrounding properties are developed with their respective uses. Therefore, only a very limited number of undeveloped parcels exist.

Several individuals expressed concerns regarding the potential increase in traffic that may result from the proposed development. As stated earlier, a recently completed traffic improvement project to the Chemawa Road / Verda Lane intersection will result in significantly improving the flow of traffic through this intersection and along both Verda Lane and Chemawa Road. The round-about is designed to keep traffic moving and eliminate the queuing of vehicles at the existing 4-way stop intersection. This improvement will have a positive effect on the area. In addition, the developer of the site will be responsible for making improvements along the frontage of the subject property. The developer will be required to construct sidewalks and bike lanes along the Verda Lane and Dearborn Avenue frontage. These improvements will improve that movement of not only vehicles but also pedestrians and bicyclists along the frontage of the site. Currently, if each of the 14 lots had its own driveway, there would be multiple opportunities for ingress and egress to and from the lots that further slow the movement of traffic along Verda Lane. The development of the site will result in the placement of new driveways that will conform to Public Works standards. The design and function of the new round-about will allow traffic along Verda Lane to move smoother and more efficiently. The site can be developed in a manner that will not adversely affect the existing or planned uses on adjacent lands. This criterion is satisfied.

G. *Section 3.109.04.G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

FINDINGS:

The city currently provides city water to the adjacent properties and waterlines are located in the streets along the site. Sanitary sewer lines are located in the street right of way in each of the streets fronting the site. There is adequate capacity in both the water and sanitary sewer systems to be able to serve the site. Stormwater facilities can also be served. Due to the size of the subject property, detention basins and swales could be utilized if needed. The site has frontage along Chemawa Road and Verda Lane, each minor arterial streets, and Dearborn Avenue is a collector street. Each street has nearly sufficient right of way and pavement widths, however, Public Works has commented that some improvements will be necessary.

Public Works has commented that street improvements will be required to provide an adequate transportation system to serve the proposed development. Right of way dedication will be required along Verda Lane. The minimum acceptable right of way will result in 34 feet from the existing centerline of Verda Lane. Right of way dedication along the easterly 125 feet of Dearborn Avenue will be required to eliminate the existing jog in the right of way line. Additionally, a right of way line radius of 30 feet shall be dedicated at the intersection of Verda Lane and Dearborn Avenue. The local Transportation System Plan has identified the need for a turning circle to be developed at the intersection of Verda Lane and Chemawa Road NE. Public Works submitted an attachment, labeled Attachment A to their comments. Attachment A sets forth the required right of way dedication that indicates the required right of way necessary at the intersection that shall be shown on the proposed Lot Line Adjustment Survey. 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 Verda Lane with a 6 foot wide property line sidewalk, and widening of Dearborn Avenue including a property line 6 foot sidewalk on the north side of the street. 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 Ave., and Verda Lane. No access will be allowed to Philip Street from the subject property. Police protection will continue to be provided by the Keizer Police Department. The Keizer Fire District will provide fire safety protection. The city can provide all of these services in an efficient manner. This criterion is satisfied.

The proposal complies with the requirements of the comprehensive plan amendment criteria in Section 3.109.

FACTS: ZONE CHANGE AND RELATED FINDINGS

8. The Review Criteria for a Zone Change is listed in Section 3.110.04 of the Keizer Development Code (KDC).

A. *Section 3.110.04.A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.*

FINDINGS:

The proposed zone designation is Medium Density Residential (RM) which is appropriate and consistent for the proposed comprehensive plan designation of Medium and High Density Residential. The Medium and Density Residential designation will allow more than 16 dwelling units per gross acre and the RM zone will allow up to a maximum of 22 dwelling units per acre. The applicant's site plan shows that there will be density of 16 dwelling units per acre. The requested zone is consistent with the Comprehensive Plan designation and with the Medium and Density Residential policies. The RM zone allows for the development of the site with an apartment complex. This criterion is satisfied.

B. *Section 3.110.04.B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.*

FINDINGS:

The proposed zone designation is RM which will allow the development of an apartment complex on the subject property. The site is flat and the western edge is generally on the top of an embankment. The floodplain boundary appears to be either along the base of the embankment or slightly above the base of the embankment. Any use or development within this floodplain area will be required to be done in accordance to all applicable floodplain regulations. The applicant is not proposing any development in the lower portion that is a separate tax lot. Although the sloped portion of the subject property has not been identified as a potential hazard area, the applicant has indicated that no development will take place in that part of the property. The applicant will be required to connect the residential units to the city's water line and to the City of Salem's sanitary sewer lines. This will allow development to be more compact since there will not be the need to include any private wells or septic system on the site. The requirement

for connecting to the municipal sewer line will eliminate the possibility of any contamination from any failing on-site septic system.

The RM zone has a maximum density of 22 dwelling units per acre which will assure that the site is not developed in a manner that will exceed its capacity. The applicant has submitted a site plan that shows that 112 dwelling units are intended to be located on the site. This will result in an approximate density of 16 dwelling units per acre which is within the density provisions of the RM zone. At the time of building permit submittal, a Design Review will be done to ensure that the development complies with density, building setbacks, building height, landscaping, parking, driveway, and building design requirements. Therefore, the proposal will not exceed its physical capacity and this criterion will be satisfied.

C. *Section 3.110.04.C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.*

FINDINGS:

The proposed use of the site is for multi-family development. This type of use is permitted within the RM zoning district. Development on the site will be reviewed for compliance during the city's Development Review process at the time of building permit submittal. This will ensure that the requirements of the code will be met. With this placed as a condition of approval, this criterion will be satisfied.

D. *Section 3.110.04.D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.*

FINDINGS:

The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), an established street system, administrative services and police services. Verda Lane and Chemawa Road are each classified in the City Transportation and System Plan (TSP) as minor arterials. Chemawa Road is an improved street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is an improved street within a 60 foot wide right of way but there is no sidewalk along the Verda Lane frontage. Instead, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and has a 60 to 70 foot wide right of way. It has a shared bicycle/pedestrian lane along the frontage of the site.

The city provides water through a system that utilizes groundwater. There are existing water lines in each of the three streets fronting the property. There is adequate

capacity in the city's water system to provide service to the site and can serve the level of development as proposed. Sanitary sewer service is provided through an intergovernmental agreement by the City of Salem. There are sanitary sewer lines in each of the streets fronting the property and there is sufficient capacity to be able to provide service to the site at the level of service required for the proposed development. The site is located inside of the original Keizer Sewer District so a sanitary sewer trunk line acreage fee will not be required. 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.

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 as required to meet the City of Salem Design Standards. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements 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 with regard to access and to adequate location of fire hydrants prior to the issuance of any building permits by the City of Keizer. 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.

Location of all meters will be required to be approved by Keizer Water Department. Each of these services can be used to provide service to the site.

Police and administrative services are provided by the city of Keizer and can serve the site. Educational services are provided by both the Salem-Keizer School District (K through 12) and Chemeketa Community College (post high school). The Salem-Keizer School District commented that they had reviewed the application and commented that sufficient school capacity exists in the elementary and middle schools but not at the high school. However, the school district typically makes provisions for additional students through boundary adjustments, additional capital improvements or other methods. Both Verda Lane and Chemawa Road are transit routes. The Salem – Keizer Transit District is responsible for providing transit service. Other services such as trash pick-up, telephone, electrical, etc. are all provided by private providers. All

of these services can be provided in an efficient manner. As conditioned, the criteria in this section will be satisfied.

E. *Section 3.110.04.E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.*

FINDINGS:

The proposal involves a zone change to RM which is one the city's residential zones, so this section is applicable. The RM zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.

These are not criteria in the strict sense but they offer guidance that can be useful in determining if a location is suitable for the proposed RM zone designation. The concurrent request for a comprehensive plan map change to Medium and High Density Residential will result in the proposed RM zone designation being consistent with the comprehensive plan designation. The site has frontage along Chemawa Road and Verda Lane which are each designated in the TSP as minor arterial streets. Dearborn Avenue is designated as a collector road in the city's TSP which is consistent with the intent of the provision. The ingress and egress to the site off Verda Lane will eliminate the use of any local street within residential neighborhoods and will meet with this aspect of the purpose section. The term "near" is not defined in either the development code or the TSP. The Merriam Webster dictionary defines near as: "at, within, or to a short distance or time". The proposed site is to be zoned RM and is not adjacent to any commercial uses. It is located approximately 1/2 mile to the east of the commercial corridor along River Road and also is approximately 2/3 mile to the west of Keizer Station which also has ample commercial shopping and employment opportunities. There is a complete sidewalk system along Chemawa Road from the site west to River Road and a sidewalk system along almost the entire length of Dearborn Avenue. This is considered to be "near" with regard to allowing convenient pedestrian connections from the commercial area to the west and the site. Currently, there is an incomplete sidewalk from the subject property to Keizer Station. However, there are plans for the eventual completion of this facility that is timed to construction in Area C of the Keizer Station. The allowance for this to be considered near is also consistent with Transit District standards for ½ mile as a standard for people to walk to transit stops. This criterion is satisfied.

F. *3.110.04.F.. The following additional criteria shall be addressed:*

1. *The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.*

FINDINGS:

The HNA indicated that over the next 20-year period, the growth in non-group households will increase by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands found that the current supply is 315.2 total acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the city's remaining capacity within its current boundary.

The HNA documented that there was approximately 24 acres of vacant or re-developable RM land and only 5.7 acres of vacant RM zoned land available for development. According to the HNA this will result in approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplex; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524 (Figures 15 thru 18 HNA).

When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres. The proposal will meet some of the city's projected needs for RM land need and, therefore, the proposal satisfies this criterion.

2. *The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.*

FINDINGS:

This proposal involves land that is needed for residential use. The comprehensive plan identified that there is only a small of amount of land that is vacant (5.7 acres) and that is zoned for multi-family development. The Comprehensive Plan notes that "Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the City will:

> Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.
>
> Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan.
>
> Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools."

The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant's site plan indicates that 112 dwelling units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units on the site. For comparison, if the site were developed as platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the 7.5 acres were developed consistent with the RS standards, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. The applicant's site plan indicates that there would be an approximate density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicants seek. The increased density will result in the site being used to help offset some of the identified residential land need that is forecast for the city. This criterion is satisfied.

3. *The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.*

FINDINGS:

The proposed comprehensive plan designation will be Medium and High Density Residential and the appropriate zone designation will be RM. Adjacent properties to the east, south, and north are developed with residential uses. To the west is the Claggett Creek Park which is designated Public. The intent of the applicant is to allow the development of the site with an apartment complex and not any of the other uses that might be permitted within the RM zone.

Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and is part of the church property and is designated RM. There are apartments just to the east of the church on land zoned RM. To the west land is within Claggett Creek Park. Across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the right of widths of the streets and building setback on the lots across from the site will result in the proposed development not being located too close to any property lines. In addition to the required building setbacks, landscaping requirements will further buffer and screen the proposed development from surrounding properties. The new development will be required to meet building height, design and density standards. The site is separated from the park by an intervening tax lot and no buildings will be too close to either the park or the creek adjacent to the park. Located across the street from the subject property is property that is designated as multi-family and a RM zone is located slightly to the northwest of the site. A park is located to the west of the subject property. This factors indicated that there are a variety of other land uses in the immediate vicinity and that the area is not exclusively a single family neighborhood. The proposed zone will not allow uses that would destabilize the land use pattern of the area and will not significantly adversely affect adjacent properties. This section is satisfied.

The applicant has satisfied the criteria for a zone change as requested.

FACTS: LOT LINE ADJUSTMENT AND RELATED FINDINGS

The applicant requested to partition the subject property to replat the existing 14 lots into one large lot. In essence, the procedure to follow to accomplish the applicant's goal is a lot line adjustment. Section 3.106 of the KDC sets for the criteria and procedure for a lot line adjustment.

9. Section 3.106.04 sets forth the criteria for a lot line adjustment and provides that a lot line adjustment may be granted in accordance with the Type I-B review procedures provided that the applicant provides evidence of the following:

The adjustment of lot lines results in no more parcels than originally existed.

The proposed lot line adjustment results in parcels that meet all area and dimension standards of this Code; and

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.

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 Criteria.

A. *Section 3.106.04.A. The adjustment of lot lines results in no more parcels than originally existed.*

FINDINGS:

The proposal is to consolidate 14 existing lots into one parcel that can then be developed as one lot. The city does not have a consolidation or re-plat process. Historically the city has processed similar types of land use applications as a lot line adjustment provided that no new parcels are created and that all of the Marion County's Surveyors procedures are followed. The proposal will not result any additional parcels but will reduce the number of lots. The lots were created with the platting of the Herber's Addition Subdivision in the 1950s. The Marion County Surveyor commented that a property line adjustment within a recorded subdivision plat will require a re-plat which must comply with ORS 92.185(6); that it must be surveyed and platted consistent with ORS 92.050; and, that all fees and an updated title report is submitted at time of review. These requirements will be conditions of approval. As conditioned, this criterion is met.

B. *Section 3.106.04.B. The proposed lot line adjustment results in parcels that meet all area and dimension standards of this Code;*

FINDINGS:

The proposal will consolidate 14 legally established lots into one parcel that will be 7.5 acres in size. The result of this action is that the lot will exceed the city's minimum dimensional lot sizes standard of 9,000 square feet for multi-family, and will also exceed the minimum lot dimension standards average width minimum 50 feet. The site has an approximate 1,300 foot width; and an average depth of 80 feet; and the site has a depth of approximately 240 feet within the RM zone. This criterion is satisfied.

C. *Section 3.106.04.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.*

FINDINGS:

Presently two single family dwellings are located on the site along with couple of outbuildings. The elimination of the existing lot lines will not result in any violations to building setback requirements as the separate lot lines will be eliminated. The applicant stated that the two dwellings will be removed and this will further eliminate any setback or improvements issues. All new construction will be required to adhere to all building setback and height standards. As conditioned, this criterion will be satisfied.

D. *Section 3.106.04.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.*

FINDINGS:

The proposal will consolidate 14 legally established lots into one parcel that will be 7.5 acres in size. This will exceed 2 acres in size and will not be considered as an infill parcel as defined in Section 2.316.03. Therefore, this section is not applicable.

The applicant has met the criteria for a lot line adjustment.

FACTS: ADDITIONAL FINDINGS AND CONCLUSIONS

10. The proposed zone designation is Medium Density Residential (RM) which is appropriate and consistent for the proposed comprehensive plan designation of Medium and High Density Residential. The Medium and Density Residential designation will allow more than 16 dwelling units per gross acre and the RM zone will allow up to a maximum of 22 dwelling units per acre. The applicant's site plan shows that there will be density of 16 dwelling units per acre. The requested zone is consistent with the Comprehensive Plan designation and with the Medium and Density Residential policies. The RM zone allows for the development of the site with an apartment complex.

11. The proposed zone designation is RM which will allow the development of an apartment complex on the subject property. The site is flat and the western edge is generally on the top of an embankment. The applicant is not proposing any development in the lower portion that is a separate tax lot. The floodplain boundary appears to be either along the base of the embankment or slightly above the base of the embankment. Any use or development within this floodplain area will be required to be done in accordance to all applicable floodplain regulations. Although the sloped portion of the subject property has not been identified as a

potential hazard area, the applicant has indicated that no development will take place on that part of the property. The applicant will be required to connect the residential units to the city's water line and to the City of Salem's sanitary sewer lines. This will allow development to be more compact since there will not be the need to include any private wells or septic system on the site. The requirement for connecting to the municipal sewer line will eliminate the possibility of any contamination from any failing on-site septic system.

12. The RM zone has a maximum density of 22 dwelling units per acre which will assure that the site is not developed in a manner that will exceed its capacity. The applicant has submitted a site plan that shows that 112 dwelling units are intended to be located on the site. This will result in an approximate density of 16 dwelling units per acre which is within the density provisions of the RM zone. At the time of building permit submittal, a Design Review will be done to ensure that the development complies with density, building setbacks, building height, landscaping, parking, driveway, and building design requirements. Therefore, the proposal will not exceed its physical capacity.

13. The proposed use of the site is for multi-family development. This type of use is permitted within the RM zoning district. Development on the site will be reviewed for compliance during the city's Development Review process at the time of building permit submittal. This will ensure that the requirements of the code will be met.

14. The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), an established street system, administrative services and police services. Verda Lane and Chemawa Road are each classified in the City Transportation and System Plan (TSP) as minor arterials.

15. Chemawa Road is an improved street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is an improved street within a 60 foot wide right of way but there is no sidewalk along the Verda Lane frontage. Instead, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and has a 60 to 70 foot wide right of way. It has a shared bicycle/pedestrian lane along the frontage of the site.

16. The city provides water through a system that utilizes groundwater. There are existing water lines in each of the three streets fronting the property. There is adequate capacity in the city's water system to provide service to the site and can serve the level of development as proposed. Sanitary sewer service is provided through an intergovernmental agreement by the City of Salem. There are sanitary sewer lines in each of the streets fronting the property and there is sufficient capacity to be able to provide service to the site at the level of service required for the proposed development. The site is located inside of the original Keizer Sewer

District so a sanitary sewer trunk line acreage fee will not be required. 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.

17. The RM zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.

18. The concurrent request for a comprehensive plan map change to Medium and High Density Residential will result in the proposed RM zone designation being consistent with the comprehensive plan designation. The site has frontage along Chemawa Road and Verda Lane which are each designated in the TSP as minor arterial streets. Dearborn Avenue is designated as a collector road in the city's TSP which is consistent with the intent of the provision. The ingress and egress to the site off Verda Lane will eliminate the use of any local street within residential neighborhoods and will meet with this aspect of the purpose section. The term "near" is not defined in either the development code or the TSP. The Merriam Webster dictionary defines near as: "at, within, or to a short distance or time". The proposed site is to be zoned RM and is not adjacent to any commercial uses. It is located approximately 1/2 mile to the east of the commercial corridor along River Road and also is approximately 2/3 mile to the west of Keizer Station which also has ample commercial shopping and employment opportunities. There is a complete sidewalk system along Chemawa Road from the site west to River Road and a sidewalk system along almost the entire length of Dearborn Avenue. This is considered to be "near" with regard to allowing convenient pedestrian connections from the commercial area to the west and the site. Currently, there is an incomplete sidewalk from the subject property to Keizer Station. However, there are plans for the eventual completion of this facility that is timed to construction in Area C of the Keizer Station. The allowance for this to be considered near is also consistent with Transit District standards for ½ mile as a standard for people to walk to transit stops. This criterion is satisfied.

19. The HNA indicated that over the next 20-year period, the growth in non-group households will increase by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

20. The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands found that the current supply is 315.2 total acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the city's remaining capacity within its current boundary. The HNA documented that there was approximately 24 acres of vacant or re-developable RM land and only 5.7 acres of vacant RM zoned land available for development. According to the HNA this will result in approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplex; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524 (Figures 15 thru 18 HNA). When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres. The proposal will meet some of the city's projected needs for RM land need and, therefore, the proposal satisfies this criterion.

21. This proposal involves land that is needed for residential use. The comprehensive plan identified that there is only a small of amount of land that is vacant (5.7 acres) and that is zoned for multi-family development. The Comprehensive Plan notes that "Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the City will:

> Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.
>
> Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan.
>
> Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.

The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant's site plan indicates that 112 dwelling units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units

on the site. For comparison, if the site were developed as platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the 7.5 acres were developed consistent with the RS standards, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. The applicant's site plan indicates that there would be an approximate density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicants seek. The increased density will result in the site being used to help offset some of the identified residential land need that is forecast for the city.

22. The proposed comprehensive plan designation will be Medium and High Density Residential and the appropriate zone designation will be RM. Adjacent properties to the east, south, and north are developed with residential uses. To the west is the Claggett Creek Park which is designated Public. The intent of the applicant is to allow the development of the site with an apartment complex and not any of the other uses that might be permitted within the RM zone.

23. Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and is part of the church property and is designated RM. There are apartments just to the east of the church on land zoned RM. To the west land is within Claggett Creek Park. Across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the right of widths of the streets and building setback on the lots across from the site will result in the proposed development not being located too close to any property lines. In addition to the required building setbacks, landscaping requirements will further buffer and screen the proposed development from surrounding properties. The new development will be required to meet building height, design and density standards. The site is separated from the park by an intervening tax lot and no buildings will be too close to either the park or the creek adjacent to the park. Located across the street from the subject property is property that is designated as multi-family and a RM zone is located slightly to the northwest of the site. A park is located to the west of the subject property. This factors indicated that there are a variety of other land uses in the immediate vicinity and that the area is not exclusively a single family neighborhood. The proposed zone will not allow uses that would destabilize the land use pattern of the area and will not significantly adversely affect adjacent properties.

24. During the course of the remand hearing process, traffic was a primary concern by area residents. The applicants provided expert information from a registered professional traffic engineer. His information supported that the existing transportation systems in the area are sufficient to handle the expected traffic from the project. His information takes into account the improvements that the City of Keizer has undertaken with the construction of the

roundabout at the Verda-Chemawa intersection. To further insure that the changes in the zoning for this site does not have greater impacts a traffic cap will be imposed. This cap prevents the future developer of the property from increasing the number of units or uses on the property without having to return to the City for approval to change the cap. The City's Traffic consultants reviewed the information submitted by the applicant, and that evidence if found to be credible and is adopted over all conflicting evidence submitted. No testimony was provided by an expert that raised any questions related to the information the applicant provided or in support of the statements made by the opponents that traffic created by the project would be detrimental to the area.

25. The applicant, through its land use consultants, has provided clarification of the present "Housing Need Assessment" that the City of Keizer has had prepared for the community. That information clearly demonstrates a need for additional multi-family property in Keizer. The City has an adopted Housing Need Analysis (HNA) that was acknowledged by DLCD in a public process. The HNA has identified a need in the City for 362 multi-family living unit in order to accommodate the growing population over the next 20 years. This application as proposed will fill only one-third of that need. No expert information was presented that disputed the information contained in the Needs analysis that the City has and as referenced in the applicant's information. The applicant has demonstrated that this project satisfies all of the siting criteria recommended by the experts, in that the project is sited: On or near major transportation systems (This site is located on two arterials and one collector roadway); it is near transit facilities (This site has three (3) transit stops along its frontage); it is close to Parks (This property is adjacent to a major city park); it is close to shopping; and it is close to schools (The site is within walking distance of two elementary schools and one middle school).

26. Prior information noted concerns with the location of the units on the site as well as the height of the buildings along Verda Lane. The adjusted site plan shows that the majority of the units have been located away from the roadway, with the height of the buildings along Verda have been proposed as two story only. This proposal matches the common height of single family homes. The buildings along Verda will be designed to give an appearance more like homes than apartments. The added elements along Verda will buffer the adjoining properties and provide added screening, reducing the perceived visual impacts. Additions have been made to the intended design of the buildings such that they will have more architectural features as discussed above.

27. There was extensive discussion at the public hearing and in the following written information regarding the nature and status of the old farmhouse on the property. In an effort to evaluate the house, relative to its ability to be restored or retained, applicant provided a detailed report on the structural condition of the structure. The results of that review was that the house is not a structure that can be restored without major work and significant costs. The

report notes that the house has been remodeled and added onto such that a significant part of the home is not historic at all. As to the issue that it **is or is not** Historic, the house has never been designated as a historic structure. The Herber Family has not made such a request, nor have they been contacted prior to this application to have the house designated as a historic structure. What's even more important is that 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. Whether the property is Residential Single Family or Medium Density Residential, the status of the house is irrelevant. Nevertheless, the City will impose a condition of approval to allow for the preservation of the house under certain circumstances.

28. Several area residents made the argument that property values will drop when the Herber project is completed. No empirical data was presented, and none of the speakers presented any credentials for expertise in property valuation. The City does not find the argument persuasive, and does not adopt it here. This issue is moot in any event. Oregon land use case law is clear that the rise or fall of property values is not a relevant consideration in a quasi-judicial land use decision. An applicant has to satisfy the approval criteria, and only the approval criteria. There is no approval criteria in this case that mandates no project may impact property values.

29. A few speakers argued that the Herber development will result in an increase in crime. No data was presented to support this argument, and the City does not find the argument persuasive, and does not adopt it here. No justification or rationale was given for why a brand new up-scale project like is proposed here would increase crime.

30. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development. In this case the applicant has indicated consent to the exactions being imposed here. Nevertheless, the City hereby finds the conditions of approval here that constitute exactions comply with the constitutional requirements for imposing them on this development as follows:

> The City has a legitimate governmental interest in assuring the development does not cause inadequate, unsafe and inefficient public transportation facilities. This is done by requiring that adequate streets logically continue the city's street system in order to avoid traffic generation that exceeds the street system's carrying capacity, and then causes dangerous or hazardous traffic conditions.
>
> The applicant proposes a zone change / comprehensive plan change / lot line adjustment that will, if approved allow for multi-family development. The necessary improvements for streets are identified in Keizer Development Code Section 2.302.04. The table set forth in such section indicates the minimum improvement and right of way widths required.

It shall be the responsibility of the applicant to provide street improvements deemed necessary to provide a safe and convenient transportation network to serve the residents of the proposed development. The Keizer Development Code requires that new developments make road improvements to bring the road frontage up to the road classification and construction standards. The legislative adoption of the street standards require road improvements and road construction to be provided by the developer as it occurs in proportion to its impacts. The residents of the development 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.

Verda Lane and Chemawa Road are each classified in the City's TSP as minor arterials. Chemawa Road is an improved 36 foot wide street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is a 32 foot wide street within a 46 foot wide right of way and there is no sidewalk along the Verda Lane frontage. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and is a 47 foot wide street within a 60 foot wide right of way which tapers down to 33 feet near the creek. It has a shared bicycle/pedestrian lane along the frontage of the site. 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 Chemawa Road / Verda Lane intersection has had a significant upgrade that includes a new round-about at this intersection. This intersection was determined to operate at a Level of Service (LOS) C in 2007 and projected to have a LOS F in 2031. This intersection improvement project will greatly improve the a.m. and p.m. travel times at this intersection as it will allow for a constant flow of traffic and eliminate the stopping and queuing of vehicles. With the completion of the round-about, this intersection is projected to operate at LOS B in the a.m. peak hour and LOS C in the p.m. peak hour. The pending intersection improvement will include road widening, curbs, sidewalks, bike lanes and storm drainage facilities at this intersection. Both Verda Lane and Chemawa Road are transit routes and there is an existing transit stop at the site. The Salem –Keizer Transit District is responsible for providing transit service.

A Transportation Planning Rule Analysis was submitted as part of the original application. This analysis studied the impact that the proposed development would

have on the nearby intersections. It documented the existing conditions and then input the new development. It found that the proposed development would result in 84 a.m. peak hour trips and 102 p.m. peak hour trips. The analysis determined that slightly more of the new traffic will use the Chemawa Road / Verda Lane intersection than the Verda Lane / Dearborn Avenue intersection. The analysis projected that the result of the new development would be that the Verda Lane / Chemawa Road intersection will have a 2033 a.m. peak hour LOS B and a 2033 p.m. peak hour LOS C and indicated that Verda Lane / Dearborn Ave intersection will have an a.m. peak hour LOS C and a p.m. peak hour LOS D. Each intersection will operate within the city's adopted LOS E for these intersections. Therefore, no additional intersection improvements will be needed as a result of the proposed development.

It should be noted that this previous analysis assumed a density of 165 dwelling units as allowed in the zone code. However, the site plan indicates that only 112 units are proposed, which will result in a reduction in the number of vehicles entering or exiting the site. The applicant submitted a revised Transportation Planning Rule Analysis dated March 17, 2016. Using the proposed 112 dwelling units for analysis, this report found that the proposed development would result in 57 a.m. peak hour trips and 69 p.m. peak hour trips. This shows a significant reduction from the previous possible allowed plan and a condition shall be included requiring that the dwelling units not exceed a 112 units thereby putting a "cap" on trips from this development.

The applicant will be responsible for dedicating an approximate 4 foot by 1,300 foot strip along the frontage of the site with Verda Lane; a strip along the frontage with Dearborn Avenue; and, a portion of the site in the northeast corner at the Chemawa Road / Verda Lane intersection. The dedication of Verda Lane will be approximately 5,200 square feet, or approximately 8.6% of the identified impacted area along Verda Lane (calculated by assuming a 60 foot wide right of way and a 1,300 foot length of the collector portion of Verda Lane). There are approximately 280 units which are located along both sides of this segment of Verda Lane that can be viewed to be dependent upon this segment (Chemawa Road to Dearborn Avenue) for access. The proposed development would add a total of 112 new dwelling units. The proposed units are slightly less than 43% of these lots. These calculations indicate that a dedication and improvement of approximately 8.6% of the overall area of the street segment is less than 43% of the calculated impact area and therefore would be roughly proportional. The applicant will be responsible for dedicating a slight portion of the frontage along Dearborn Avenue. The area the applicant shall dedicate in the northeast corner of the site is approximately 2,000 square feet.

Because the TPR analysis indicates that there will be an impact on this intersection caused by the proposed development, the applicant will be required to dedicate, but

not to provide any level of improvements at the Chemawa/Verda intersection, as the improvements have already been funded. This analysis concludes that the dedication and improvements along Chemawa Road / Verda Lane / Dearborn Avenue are roughly proportional to the impacts associated with the development of the property.

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 to change the Comprehensive Plan Map designation from Low Density Residential to Medium and High Density Residential; rezone the property from Single Family Residential (RS) to Medium Density Residential (RM); and, through the Lot Line Adjustment process consolidate the existing lots into one large parcel.

The applicant has shown the application meets with the relevant criteria. However, with both the comprehensive plan map request, as well as the zone change request, issues have been raised with regard to the appropriate land inventories. Both the comprehensive plan map criteria (Section 3.109.04.D), as well as the zone change criteria (Section 3.110.04.F.2) require showing the supply of vacant land in the existing or current comprehensive plan designation or zone will be adequate assuming that the requested comprehensive plan map/zone change is granted.

There is a dilemma when reviewing both the existing designations/zone, as well as the proposed designations/zone. Residential lands of all density are needed. The projected land needs indicate that the land needed for medium density residential is 9.9 gross acres, high density residential is 37.9 acres and single family residential is 136.8 acres. The application requests a change from one residential designation/zone to another. This becomes a "zero-sum" game; an increase in one type of residential ground becomes a decrease in the other.

While a need is shown for all of these zoning designations, it is determined that the City will still have a deficit for all of these zoning designations, but that the City gets more credit for rezoning for multi-family. Single family development would only reduce the housing supply need by 2% whereas a multi-family development would reduce the housing supply need by 33%.

In addition, the Keizer Development Code Section 3.109.04.F indicates that the "uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands." Similarly, with regard to the zone change criteria, Section 3.110.04.F.3 requires that the proposed zone "will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties." At the public hearing, the Councilors received significant

testimony on the adverse effects of the apartments that would be built if the request was granted. Though there are some apartments in the general area, a large portion of the surrounding area is developed as single family residences. In Council's determination, these criteria can be met by implementing conditions that require the same design standards that would apply to single-family developments.

The applicant's Traffic Impact Analysis and the City's traffic count study shows that while there are more trips generated, the impacts are within the guidelines and Council therefore finds that the revised application meets the criteria.

After consideration, the Council finds that the house has not been listed as a national or state historic place. However, as stated in Exhibit E, the matter has been conditioned to allow relocation of the home to a new site, and therefore meets all applicable criteria.

The applicant has demonstrated that when the conditions set forth in Exhibit "E" are imposed and complied with the proposal meets the applicable criteria. As conditioned, the application should be granted.

EXHIBIT "E"

Action

The City of Keizer hereby ORDERS as follows:

The application for a change to the Comprehensive Plan Map designation from Low Density Residential to Medium and High Density Residential and to rezone the property from Single Family Residential (RS) to Medium Density Residential (RM) is hereby GRANTED subject to the following conditions and requirements:

General:

1. 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. If there is any conflict between conditions noted in the exhibits, the conditions in this Exhibit "E" shall control.

2. The property must comply with the minimum lot size and dimensional standards of the Medium Density Residential (RM) zone.

3. 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.

4. The existing larger 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 one (1) year of the date of this approval, after which time if no arrangements are made for preservation, it 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 at the applicant's expense to document and inform the public of the importance and character of the structure, as approved by the City.

5. A Pre-Design meeting with the City of Keizer Community Development Department will be required prior to the submittal of any building permit applications and shall demonstrate conformance with required conditions.

6. The development is limited to a maximum of 112 dwelling units.

Prior to Public Improvement Plan Approval:

7. Green Stormwater Infrastructure shall be provided. Stormwater quality shall be controlled to not adversely impact Claggett Creek Basin or flooding.

8. 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 appropriate easements be shown on the recorded plat. All easements shall be either shown on the plat or separately recorded at the direction of the City. The easements 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.

9. Location of all meters shall be approved by the City of Keizer Public Works Department.

10. 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.

11. Final development plans shall be reviewed and approved by the Keizer Fire District with regard to access and adequate location of fire hydrants.

12. 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.

13. 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 Public Works Department 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 and all applicable regulations.

14. Storm water detention and storm water quality improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. 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.

15. 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, shall be recorded in a form which meets the City of Salem Design Standards.

16. 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. 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.

17. Public Street improvements will require appropriate vegetative stormwater facilities (drainage swales) if necessary to comply with city water quality standards.

18. 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.

19. The northerly access to the subject property from Verda Lane will be for emergency vehicles only and will be gated.

20. The right in, right out southerly access shown on the preliminary cover sheet will need to be constructed such that right turn only movements are allowed.

Prior to Preliminary Plat (Replat) Approval:

21. All requirements of the Marion County Surveyor's office must be met. In order to complete the property line adjustment, a replat 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.

22. A 10 foot wide public utility easement will be required to be granted to the City on the plat along Chemawa Road, Dearborn Avenue and Verda Lane. No access will be allowed to Philip Street from the subject property.

23. 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 grant an appropriate easement on the proposed plat consistent with the City of Keizer's Public Works Standards.

24. Applicant shall submit a street vacation application for the vacation of Philip Street right of way.

Prior to Issuance of Public Improvement Construction Permits by the Department Of Public Works:

25. The subject property is located within the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will not be required.

26. 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.

27. Construction permits are required by the Public Works Department prior to any public facility construction.

28. A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.

29. An improvement agreement may be executed between the developer and the City of Keizer prior to recording of the plat guaranteeing construction of deferred private improvements, if necessary.

Prior to Final Plat (Replat) approval (Mylar):

30. Deeding or dedicating the significant area below the developed area to the City shall be completed prior to final plat approval.

31. The property line adjustment (replat) shall be filed with the Marion County Clerk no later than one year from the date of this Ordinance. After the property line adjustment is filed, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.

During Public Improvements:

32. 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.

33. Any existing septic tank and drain fields shall be located and abandoned per state and county regulations.

34. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

Prior To Obtaining Building Permit(s):

35. No building permits will be issued until all the required public improvements are completed and accepted by the Department of Public Works, or acceptable guarantees are in place to ensure completion of the required public improvements.

Prior to Obtaining Building Permit Final for each Building:

36. Any development of the site shall comply with all requirements in the RM zone and Section 2.315 (Design Standards) of the KDC.

37. All buildings located along Verda Lane shall be no more than 2-stories in height.

38. All buildings along west side of the property shall project a 2 story view towards Verda Lane and shall conform with KDC height restrictions of the RS zone.

39. 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 windows;
k. Balconies;
l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
m. Decorative cornices and rooflines (e.g., for flat roofs);
n. An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.

40. Buildings shall meet KDC standards for single family dwellings (Section 2.314) except that visual impact of carports shall be mitigated based on street visibility and if located within 40 feet of the street frontage.

41. 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.

42. The buildings shall be attenuated in scale by adopting a color pattern that is residential in scale and tone, varied in hue and value and give an appropriate neighborhood feel. This would include creating different hues in the design elements and projections, with the intent of eliminating large fields of monochromatic areas both horizontally and vertically. The Color pattern and palette shall be approved by the City in the pre-design meeting.

43. All offsets and/or projections shall vary from other wall surfaces by 2 feet and shall be of a varied location pattern.

44. All buildings located along Verda Lane shall be designed to mimic single-family residences in appearance.

45. The proposed development shall provide a minimum of 30% landscaping areas of the site. Landscaping shall be provided along the buildings, right-of-way, and parking areas within the development. All landscaping plans will be reviewed at the Pre-design meeting with staff to demonstrate coverage, size and screening requirements. 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% within 10 years.

46. All building elevations shall be varied in texture and building materials. All building elevations will be reviewed at the Pre-design meeting with staff.

47. A minimum 36" berm and/or block wall (brick or decorative block) shall be provided above sidewalk grade along Verda Lane.

48. A minimum 54" berm and/or block wall (brick or decorative block) shall be provided above parking lot grade along Verda Lane.

49. Roofs shall be hip roofs with no gable ends, except for elements incorporated as mitigations.

50. Building massing shall be such that the west facing building elevations are varied and not predominantly rectangular.