

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

ORDER

IN THE MATTER OF THE APPLICATION OF NORTHWEST NATIONAL LLC FOR AMENDMENT TO THE KEIZER STATION MASTER PLAN/SUBDIVISION (AREA A - VILLAGE CENTER) Master Plan/Subdivision Amendment Case No. 2005-07

The City of Keizer ORDERS as follows:

Section 1: THE APPLICATION. The matter came before the Keizer City Council on the application of Northwest National LLC for an amendment to the approved Master Plan including its Subdivision Element (hereinafter Master Plan Amendment), City Case No. 2005-007.

Section 2. JURISDICTION. The matter concerns the Amended Master Plan for that property within the Keizer Station Area A Village Center, within the 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 the final land use decision in this case.

Section 3. PUBLIC HEARING and SUBSEQUENT OPEN RECORD PROCESSES. The matter comes before the City Council on the application for amendment to the approved Master Plan/Subdivision (Area A - Village Center). The initial evidentiary hearing on the proposed Amended Master Plan was conducted on March 21, 2005. While the Council closed the public hearing on March 21, 2005, the Council approved requests by parties to leave the hearing record open for a period of 7 days, ending at the close of business on March 28, 2005. The Council also approved requests for a rebuttal period from March 28 through the close of business on April 4, 2005. During the rebuttal period of March 28, 2005 through the close of business

April 4, 2005, any party who chose to provide rebuttal to the evidence and argument was authorized to do so.

Section 4. EVIDENCE. Evidence before the City Council in this matter includes the application and all application materials for the proposed amendment to the master plan/subdivision, the City's mailed and published notice of the March 21, 2005 hearing and affidavits of mailing and publication, the March 14, 2005 staff report, the March 16, 2005 amended staff report and the March 28, 2005 supplemental staff report and attachments to each. The record also includes all exhibits for the March 21, 2005 hearing including all evidence placed before the City Council in the March 21, 2005 proceeding. The evidence for the matter also includes all materials submitted during the open record and rebuttal periods referenced in paragraph 3 supra. The Council rejected no evidence or argument that was offered.

Section 5. OBJECTIONS. No objections have been raised regarding jurisdiction, alleged conflicts of interests, bias, evidence presented or testimony taken at the March 21, 2005 hearing. Mr. Day objected that the City's Notice of the hearing went to his clients, the Lowerys rather than to him. The Council finds that the City's official documents establish the City's Notice of the March 21, 2005 hearing was duly mailed to the Lowerys as well as published all as required by the City's code. The Council concludes that the City's notice of the March 21, 2005 hearing was adequate because it was provided to all persons entitled to notice, including the Lowerys, as required by law. The Council also notes that both Mr. Day and Mr. Hill assert that they represent the Lowery's and it is not clear that notice of Mr. Day alone would be adequate in any event.

Section 6. CRITERIA AND STANDARDS. The criteria and standards relevant to the decision in this matter are as set forth in the City's notice of hearing.

Section 7. FACTS. The facts before the City Council in this matter are set forth in the attached findings for the proposed amendment (Attachment 1) and the attached findings herein incorporated by this reference supporting the original master plan approval decision (Attachment 2). Provided however, the Council also notes that if there is an inconsistency between the original master plan approval findings and the findings supporting the proposed amendment findings, the amendment findings shall control and be applied.

Section 8. JUSTIFICATION. Justification for the City Council's decision in this matter is explained in attached findings, which are incorporated herein by this reference.

Section 9. ACTION. The decision of the City Council is to APPROVE the proposed Master Plan Amendment with conditions, all is set forth in this order and the attached findings which are adopted by the Council and incorporated herein by this reference. The findings and conditions supporting the proposed amendment are the attached findings and conditions of approval at Attachment 1 to this Order. These findings and conditions of approval at Attachment 1 are expressly adopted by the Council and incorporated herein by this reference. The findings and conditions supporting this approval decision are also the original findings and conditions of the Council supporting the Council's original master plan approval decision (2004-21) that was adopted by the Council on July 6 2004. Provided however, the Council further notes that if there is an inconsistency between the original master plan approval findings or conditions and the

findings or conditions supporting the proposed amendment findings, that the amendment findings shall control and be applied.

In this regard, the Council wishes to be clear that the amendment application herein approved sought specific changes to the originally approved master plan. Those specific changes as modified in the application approval process, are approved in this decision. Unchanged aspects of the originally approved Master Plan, including all of its elements and its approved variance are not reconsidered in this decision. The Council determines that all unamended aspects of the originally approved master plan are settled and does not revisit such unamended aspects in this decision. The Council expressly declines all invitations to revisit unamended settled aspects of the originally approved master plan which includes all of its elements and its variance approval. Provided however, the Council has considered unamended aspects of the original master plan (and all elements and variance) approval to the extent that the amendment affects the continued compliance of unamended aspects of the original master plan (and elements and variance) with relevant approval standards.

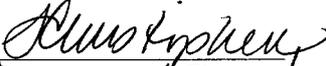
Section 10. FINAL DETERMINATION. This Order is the final determination in this matter.

Section 11. EFFECTIVE DATE. This Order shall take effect immediately upon its passage.

Section 12. APPEAL. Any party aggrieved by the final determination in this case may file a timely appeal to LUBA as provided in ORS 197.830 and obtain LUBA's review as provided in ORS 197.805 to ORS 197.845.

PASSED this 4th day of April, 2005.

SIGNED this 7th day of April, 2005.



Mayor


City Recorder

Attachment '1'

Proposed Findings Supporting Approval of Master Plan Amendment Application including Amendments proposed to the Subdivision Element

I. Facts

- A. APPLICANT/OWNER:** Northwest National, LLC
- B. AGENT:** W & H Pacific, Rick Martin
- C. PROPERTY LOCATION:** The subject property is located at the Chemawa/Interstate 5 interchange. The subject property consists of Area A (Village) of the Keizer Station Plan, a parcel owned by the City and located in Area B (identified on Marion County Tax Assessor's Map No. as Township 6 South; Range 3 West; Section 36BC; Lot #06000); and other property located in Keizer Station Plan Area B. (See Exhibit '1')
- D. EXISTING PARCEL SIZE:** The subject property in the proposed Master Plan proposal contains approximately 96 acres; the amended Subdivision proposal contains approximately 90.6 acres
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The site has street access through Area 'B' onto Chemawa Road and Lockhaven Drive, also direct frontage on Tepper Lane, Radiant Drive, Ridge Drive, and McLeod Lane, which are public streets. I-5 and the Chemawa Interchange are immediately east of the site. Public water is available to the subject site. Public sanitary sewer service is currently available north of the site. Public bus transit is provided by Salem Area Transit with Route numbers 4 and 9 currently serving the intersection of Lockhaven and McLeod. Route #4 services the School for the Deaf, Cherriots Administrative Office, Keizer, and Whiteaker Middle School.
- F. PLAN DESIGNATION AND ZONING:** The subject property is designated Special Planning District on the Comprehensive Plan Map and is zoned EG (Employment General).
- G. ADJACENT ZONING AND LAND USES:** The site is bordered on the north by Tepper Lane, Interstate 5 (I-5) to the east, Portland and Western Railroad to the west, and Chemawa Road to the south. A residential neighborhood is located on the west side of the railroad tracks, and Tepper Lane crosses the tracks, providing street access between the subject property and the neighborhood. Industrial properties, electrical utility facilities, and the baseball stadium lie to the north of Tepper Lane. The surrounding properties are zoned RS – Single Family Residential to the west, IG – Industrial General to the north, and IBP – Industrial Business Park to the northeast and south.
- H. PROPOSAL:** The proposal is to amend previous land use decision Master Plan/Subdivision Case No. 2004-21 to adjust the commercial/industrial use design allocations within the KSP Village Center and to modify certain of the lot configurations,

including removal of certain lots from the Master Plan's tentative subdivision plat element. The Master Plan/Subdivision amendment request area is located within the Keizer Station Plan (KSP). The KSP was adopted in February 3, 2003. The KSP divided a 225 acre area into five (5) sub-areas: Area A (Village Center), Area A (Sports), Area B (Retail Service), Area C (Keizer Station) and Area D (Commerce Center). A master plan is a requirement for each of the sub-areas within the adopted KSP. This Master Plan/Subdivision amendment is for the Area A (Village Center) and for a small portion of Area B. The Employment General (EG) zone was created for the KSP Area A (Village Center) to promote a complementary mixture of commercial and industrial uses. Uses within Area A (Village Center) must be developed up to a maximum of seventy-five (75) percent commercial and a minimum twenty-five (25) percent industrial uses.

The proposal to amend the Master Plan is requested to as adjust some of the Industrial and Commercial use areas that are currently approved within the Keizer Station Area A (Village Center) and to make minor changes to the park configuration in Area B due to property issues. The proposal to amend the Master Plan's Subdivision element is to remove properties not owned by the applicant from the preliminary subdivision plan request.

This proposal seeks only to modify these specific aspects of the previous Master Plan approval. The findings and conditions contained herein address only the issues being modified, those modifications that affect other unamended portions of the approved Master Plan, or those issues that have been raised by others wherein Council finds a response is warranted. The proposed Master Plan Amendment and all of its elements are otherwise unchanged. All other findings and conditions contained in Case 2004-21 remain unchanged unless specifically amended herein. The conditions of approval that applied to the original Master Plan approval continue to apply unless modified herein.

The following chart compares the proposed changes from the previous Master Plan and Subdivision element approval:

	Master Plan/Subdivision 2004-21	Amended Master Plan/Sub 2005-07
Area of Application	96 acres (Master Plan and Subdivision)	Master Plan 96 acres Subdivision 90.6 acres (excluding SW properties)
Number of Lots Proposed	15 lots 3 tracts	11 lots 7 tracts
Acreage devoted to Commercial Uses	58.88 acres	60.80 acres
Acreage devoted to Industrial Uses	19.63 acres	20.46 acres
Percentage of land dedicated to Commercial Uses	75 percent	74.8 percent
Percentage of land	25 percent	25.2 percent

dedicated to Industrial Uses		
Park land allocation	2.07 acres (of this total area 1.10 acres is located outside of Area 'A' (Village Center).	2.02 acres (of this total area .93 acres is located outside Area 'A' (Village Center).

Keizer Station Village Center Master Plan

This amendment to the approved KSP master plan is to modestly relocate the allocation of land to be designed as commercial and the land to be designed as industrial within Area 'A'(Village Center) and to adjust a small amount of land designated towards parks from the original Master Plan (case number 2004-21) approval.

An amendment to the approved master plan is required for these adjustments. Amendments to approved Master Plans are subject to a Type II-B procedure (KDC 3.101.02), which includes a public hearing and decision by the City Council. Following City Council Master Plan approval subsequent City review of the project design and construction details must be consistent with the approved master plan and is required to be completed as part of the building permit and development approval process as provided in the KDC. For those properties that are not owned by the applicant and that are shown in less detail in the proposed master plan amendments, the non-applicant landowners may submit a building permit application provided they comply with the approved master plan, its conditions of approval, and the relevant standards of the Keizer Development Code and the Keizer Station Plan. However, if such non applicant landowners wish to change the approved master plan, then an amendment to the master plan meeting all master plan standards must be submitted and approved by Council.

Subsequent Amendments to the Master Plan

Opponents of the application argued that an amendment to adjust the location of the industrial or commercial uses shown on an approved master plan requires a Comprehensive Plan Amendment. Opponents have further asserted in written materials forwarded to the City on March 26, 2005 that a master plan amendment requires a comprehensive plan amendment. Council does not understand this written argument to be any different than the idea opponents advanced at the hearing that adjusting the industrial and commercial uses requires a plan amendment. Council finds that if opponents mean something else, they have not raised it with adequate specificity to which the city can respond. The staff report has been made available to the public in time for rebuttal to occur in advance of the scheduled April 4, 2005 deliberations.

The current Comprehensive (Comp) Plan designates the Keizer Station Village Center as a Special Planning District (SPD). The SPD plan designation is implemented by the EG zone (KDC 2.119.01). Within the EG zone are listed industrial and commercial uses (KDC 2.119.02(A)). A

proposal for adjusting the areas within the EG zone for industrial or commercial uses requires neither a plan amendment nor a zone change. A change to the approved master plan only requires a master plan amendment.

It is also noted that within the text of the EG zone, listed in 2.119.03 Permitted Industrial Uses, the category “N. Flexible Space Uses” lists a variety of uses that were equivalent to certain uses in the IBP zone. In section 2.119.03.(N).2 appears the language “In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply;” which is followed by various limitations on the Flexible Space Uses (also referred to as IBP uses in the following paragraphs).

The existing language of this zone is intended to provide flexibility to property owners in the types of uses established in the zone within a set of parameters.

In sum, if a property owner wishes to adjust the amount of land within an approved master plan that is to be devoted to industrial use to change to commercial use or vice versa, the master plan must be amended. In the amendment process, all of the master plan standards must be met. This includes the requirement in KDC 2.119.02(A) that “25% of all of the EG zone land area be devoted to listed Industrial Uses ...” However, because neither the EG zone nor the SPD comp plan designation would be changing in such a Master Plan amendment proposal, there is no comp plan amendment or zone change required, or that would, respectfully, even make sense.

Land Uses

The property subject to the proposed amended Master Plan consists of a total of 96 acres of land. Of this, the original approved and proposed amended master plan both include 81.02 acres designed for development uses. In this regard, the reference to development uses refers to uses that are designed in the Master Plan to be ultimately developed with employment opportunities as either commercial or industrial land. In the EG zone, of the land designed for development uses, and as provided in the KDC, not more than 75% may be designed for commercial uses and at least 25% must be designed for industrial uses. The original master plan application designated 78.51 acres of land for development uses: there were 58.88 acres of commercial and 19.63 acres of industrial. The proposed Amended Master Plan will result in 81.26 acres of land designed for commercial or industrial development opportunities. The proposed amendments establish that 60.80 acres are designed for commercial uses and 20.46 acres are designed for industrial uses. As in the original approved Master Plan, the proposed amended Master Plan includes the same amount of amenities such as plazas, side walks and bike paths.

Roads and parks are not counted in the commercial/industrial design split. There is no change in the configuration and area of land designated towards roads, paths and sidewalks between the original approved master plan and the proposed amended master plan. Finally, the proposed amended Master Plan includes 2.02 acres of land in the Master Plan area for parks. Parks included within the EG zoned area are considered by the KDC to be both a commercial and industrial use under the required 75/25 split. The original approved Master Plan included 2.07

acres of land in the Master Plan area for parks. The proposed amendments include 2.02 acres of land for parks in the Master Plan area. These parks are:

- Chemawa Park (.77 acres) is located outside Area 'A' (Village Center), between the relocated ODOT access control fence along Chemawa Road, Road A and B and Lot 1. It will act as the village center entry point for pedestrians. Amenities include open space lawn area, ornamental shrubs and trees, benches, tables, trash receptacles, and pedestrian scale lighting fixtures.
- Central Park (1.25) is located adjacent to I-5, at the east end of the site. This area includes 1.09 acre tract (Tract 'A') and an area owned by ODOT. The land owned by ODOT is slated to be conveyed to the developer. This area is a 0.16 acre wetland area. In order to meet the two (2) acre minimum park requirements outlined in the DDA, the applicant must obtain ownership of the 0.16 land owned by ODOT or readjust the parcel size of Tract 'A' to meet the two (2) acre minimum. ODOT has signaled its intention to convey such land for a City park.

The development of both areas will combine existing native vegetation with ornamental plants and trees, and plaza/hardscape amenities. Plaza construction and amenities will include: concrete pavers and poured in place concrete; a range of concrete finishes from standard broom finish to colored stamped patterns; natural stone faced retaining wall to define the wetland area and relationship to the park/plaza area; benches, tables and movable chairs; and bollards, cast iron tree grates, trash receptacles and movable planters. A multi-use shelter/gazebo will create a community gathering space for special events throughout the year.

Subdivision Proposal

The subdivision element of the proposed Master Plan amendment is proposed to be changed in the following particulars: The original approved subdivision application contained 15 lots and 3 tracts. Whereas, the proposed amended subdivision contains 11 lots and 7 tracts. This represents the removal of property from the subdivision element that the applicant does not own. If the nonapplicant property owner wishes to divide the omitted land, such nonapplicant owner must submit their own subdivision tentative plat proposal. The current subdivision portion of the application has been reduced from 96 acres to 90.6 acres. While there has been a minor change in the alignment of Radiant Drive, all other aspects of the transportation system are identical to the previous proposal.

II. FINDINGS – **KEIZER STATION MASTER PLAN AMENDMENT**

Introduction

This proposed amendment to the approved master plan is to modestly relocate the allocation of land to be devoted to commercial use and that land which is to be devoted to industrial use as defined in the EG zone within Area 'A' (Village Center). The proposal also seeks to modestly adjust land set aside for park purposes

An amendment to the approved master plan is required for these adjustments to the approved master plan. Amendments to approved Master Plans are subject to a Type II-B procedure (KDC 3.101.02), which includes a public hearing and decision by the City Council. Following City Council approval of a master plan or an amended master plan, subsequent City review of the project design and construction details shall be completed as part of the building permit and development approval process, all as provided in the KDC. For those properties that are not owned by the applicant and that are shown in less detail, but are included in the master plan, ultimate compliance with the master plan will be required as a part of the development review and building permit approval process, again as specified in the KDC. An additional amendment to the master plan is required if the property owners wish to make further changes to the approved master plan. As shown in the KDC, minor changes that are consistent with the approved master plan obviously would not require a master plan amendment. Such changes would be required before a building permit can be issued.

The criteria that apply to this amended master plan are the same ones that applied to the approved original master plan. The original master plan approval has previously been reviewed in the staff report supporting Master Plan/Subdivision Case No. 2004-21 and adopted by Council. For convenience, the entirety of the former approval is included in the record for this proceeding. The findings and conditions amended by this request are those identified within these findings. As noted above, the approved amendments are, more specifically, the allocation of land to be used for commercial and industrial uses and the allocation of park land and its development. Accordingly, this amendment is reviewed in two categories. One, the amendment application is reviewed for whether the proposed changes to the original approved master plan comply with relevant standards to the amendments. Two, the amendment application is reviewed for whether the proposed amendments impact the continued compliance of the un-amended master plan provisions with the KSP and KDC requiring additional analysis. The conditions adopted in Master Plan/Subdivision Case No. 2004-21 shall still apply unless specifically amended by this action. The conditions outlined in Master Plan/Subdivision Case No. 2004-21 are attached as Exhibit '3.'

Council finds the proposed amendments to the master plan including its subdivision element submitted by the applicant comply with relevant standards and those proposed amendments do not affect the continued compliance with relevant standards of the un-amended portions of the Master Plan.

- A. The Review Criteria for the Keizer Station Master Plan are listed in Section 3.113.04 of the Keizer Development Code (KDC). The relevant approval standards and findings are listed below:

1. SECTION 2.119 GENERAL EMPLOYMENT

- a) ***2.119.02 through 2.119.07 identify the use requirements for the EG zone, including the permitted, special permitted, and use restrictions, which apply to the site. A minimum of twenty-five (25) percent of the land area must be devoted to industrial uses listed in Sections 2.119.03 and 2.119.04. A Maximum of seventy-five (75) percent of the land area may be devoted to commercial uses listed in 2.119.05 and 2.119.06.***

FINDINGS: Council finds that 25.2 percent of the land will be devoted to industrial uses as defined by the EG district (subject to twenty-five (25) percent minimum requirement) and 74.8 percent of the land will be used for commercial use as defined by the EG zone (up to seventy-five (75) percent maximum). Council, therefore, finds the uses proposed under the industrial and commercial areas shown on the amended master plan comply with the KDC requirements (Exhibit '4').

The non applicant owned property which is located outside of the proposed subdivision, but located within Area 'A' (Village), is designated as approximately 26.6 percent commercial uses and 46.9 percent industrial uses. The KDC requires that the entire Village Center developable land have at least 25% designed to be devoted to industrial use. The proposal meets this use type split. However, the Council also noted that the Lowery property not owned by the applications – also referred to in this decision as the “excluded property” meets this 25% use split on its own as well as part of the Village Center area. This excluded property both as a part of the Village Center as well as independently meets the land use splits for commercial and industrial land use types.

in any case, the proposed amended master plan meets the requirement for a 25% industrial use split in the Village Center within which it is located. As an aside, the excluded property also meets this 25% industrial use split viewed alone as a set of excluded parcels. As a condition of approval in any building permit and development review application submitted under this master plan by the owner of the excluded property (the property that is not owned by the applicant at the time of this master plan approval), which property shows industrial use requirement on this master plan, such property owner is required to establish that the minimum amount industrial use as defined in the EG zone, and as shown in this approved master plan are proposed in the application(s) to be approved.

- (b) ***2.119.09.B. Minimum Lot Dimension Requirements (Commercial Uses). Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must have a minimum lot area of 20,000 sq. ft., minimum average width of 100 ft. and minimum average depth of 100 feet. The remainder lots***

must have a minimum lot area of 10,000 sq. ft., minimum average width of seventy-five (5) (75) feet. and minimum average depth of seventy-five (75) feet. Lots or tracts created only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space are exempt from the lot size and shape standards of this section.

FINDINGS: The subdivision plan submitted as part of the application identifies that 100 percent of the lots will be a minimum of 20,000 sq ft in area and a minimum average width and depth of 100 feet. Council, therefore, finds this request complies with the minimum lot dimensions.

- (c) ***2.119.09.B. Minimum Lot Dimension Requirements (Industrial Uses). Within the acreage identified for industrial uses, at least eighty percent (80%) of the lots must have a minimum lot area of three (3) acres with a minimum average width and depth of 350 ft. The remainder lots must have a minimum lot area of one (1) acre and minimum average width and depth of 150 ft. Lots or tracts created only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space are exempt from the lot size and shape standards of this section.***

FINDINGS: Of the lots identified for exclusive industrial uses, eighty (80) percent of the land area designated as industrial uses is divided into parcels having three (3) or more acres in area and have average lot width and depth of 350 feet; twenty (20) percent of the area of land is divided into parcels having one (1) acre or more in area and contain a minimum average width and depth of 150 feet. The land area designated as industrial uses meet the code criteria for lot dimension requirement.

2. DISPOSITION AND DEVELOPMENT OF KEIZER STATION AGREEMENT

The City of Keizer and the applicant have entered into a development agreement. The following is the relevant sections as it pertains to this amended master plan.

(a) **Section 603 Construction Of Public Park, The Plazas And The Pathway**

(1) **603.A Construction**

The parties agree that the following areas shall be included within the Project: the public park, the plazas, and the pathway.

The terms are defined in Section 101, Definitions, of the Developer Agreement, as follows:

“Pathway” shall mean a multi-purpose pathway, which shall be at least twelve feet in width, starting from Chemawa Road on the southern boundary of the Village Center Area and extending to the northern

boundary thereof, constructed by the City or the Developer and owned by the Agency or the City, all in accordance with the terms and conditions of this Agreement.

“Plazas” shall mean the four separate areas, none of which shall measure less than 1,000 square feet and all of which together shall measure at least 8,000 square feet, owned by the Developer and constructed by the Developer, all in accordance with the terms and conditions of this agreement.

“Public Park” shall mean the area measuring at least two acres in size and consisting of public park day-use amenities (e.g., public tables, benches and related hardscape like Millennium Park in Lake Oswego) to be constructed by the City or the Developer and owned by the Agency or the City, all in accordance with the terms and conditions of this Agreement. The Public Park area shall be in addition to any area established to contain a wetlands/mitigation park-like environment. For purposes of satisfying the minimum acreage requirement, the Public Park may include any property immediately adjacent to Area A which Developer so improves.

FINDINGS: The following are previous findings from Master Plan/Subdivision 2004-21:

“The location of “Tract B”, situated between the major tenant 3 building and the I-5 Freeway in the extreme NE corner of the development is not suitable for park amenities. Council finds this area shall be used as appropriate to the enhancement of that area of development, including parking and landscaping and that high quality amenities be provided in other areas along the multi use path and pedestrian system. Therefore, amenities shall include such things as exercise stations, water features, seating areas, gazebos, formal garden areas or awnings and weather protected areas.”

These findings continue to apply to the proposed amendments. In addition, the following changes are required by Council. The proposal for public parks includes two areas. One is identified as Tract ‘A’ (Central Park) and the other is identified as Chemawa Park, which is on land located outside the master plan area, between the relocated ODOT access control fence along Chemawa Road, Road A and B and Lot 1.

In order to make Central Park useful and to fulfill the intent of a public park for the property, the Central Park should include as much of the ODOT land outside of the freeway right of way as possible, which land shall be developed in a manner that is similar to the rest of the park. In addition, any wetland areas in Tract ‘A’ or the ODOT controlled property shall be protected in accordance with the State wetland rules and guidelines.

The Chemawa Park will act as the entry point to the KSP for pedestrians. Amenities shall include open space lawn area, ornamental shrubs and trees, benches, tables, trash receptacles, and pedestrian scale lighting fixtures.

The development of these parks shall be the responsibility of the developer and shall be completed when the public improvements are completed.

LUBA Remand KSP Provision:

LUBA recently decided that the following KSP provision is an approval standard applicable to master plans in the KSP area:

“All property owners in each area are encouraged to join together as co-applicants. However to properly plan development and provision of public facilities and services, the master plan shall still cover all the area in appropriate detail based on ownership. For those portions not owned or controlled by an applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general design guidelines to be used throughout the Master Plan area.” (Hereinafter referred to as the “remand KSP provision”).

The proposed amended Master Plan complies with this KSP provision. At issue is property not owned by the applicant but that is owned by the Lowrey family. This property is termed in this staff report as the “excluded property” or the “Lowrey” or “Lowery family” property. This KSP provision sets minimum requirements but does not impose maximum limits. In other words, while the provision requires a minimum amount of detail, more detail than strictly required does not violate this standard.

The original master plan included as its subdivision element a tentative subdivision plat for the entire KSP area which included the Lowrey family property. During the local proceedings, the Lowrey family sought to veto the Master Planning process on the basis that they were unwilling to be coapplicants, but raised no other objections to the master plan. LUBA agreed with the City that refusing to be a coapplicant for a master plan was not the equivalent of having a veto power over master planning. However, at LUBA, the Lowrey family raised new issues not previously raised at the City about how they do not wish for the City to provide specific development approval for their property as a part of the master plan. LUBA remanded the decision to the City to address the meaning of the remand KSP provision quoted above. The above provision requires only that public facilities and services are shown in adequate detail to enable proper planning for the development and provision of such public facilities and services. The amended master plan does not change the way public facilities and services are provided to the KSP area including the Lowrey property. This part of the above remand KSP provision was met in the original master plan approval and continues to be met here. For the Lowrey family property that is not owned by the applicant the master plan is required only to focus on a cohesive interconnected system of public facilities general design guidelines. As noted above, nothing has changed regarding the provision of public facilities.

As with the original master plan, the amended master plan continues to show a cohesive, interconnected system of public facilities.

Regarding the provision of general design guidelines, the amended master plan continues to show general business use design types as is required by the KSP and KDC. This means showing the areas for industrial and commercial uses. This enables the City to show compliance with the KDC standard for a minimum of 25% industrial –maximum 75% commercial split for the EG zoned area of which the Lowrey property is a part. Showing this minimal detail allows the City to show general layout of the entire KSP Village Center area, including the Lowrey property to enable calculation of approximate amount of area to meet the provisions for the EG zone regarding the same. Importantly, general design guidelines allow the Council to evaluate the layout and general design of the property not owned by the applicant. Moreover, conditions of approval for this approved amended master plan include the original conditions of approval which also furnish additional design guidelines. This enables the Lowrey's if they chose to do so, to apply for specific development approval without having to go through a master plan approval process. However, the City has omitted from the master plan much of the detail regarding driveways and planter boxes and related items that previously had been applied to the Lowrey property in the original master plan approval. That level of detail is not required for property not owned by the applicant by the remand KSP provision or any other provision of the KSP or KDC. Given it is not required and the Lowrey's prefer it not be shown, it is removed in this amendment. If the Lowrey family wishes to obtain development approval they will simply have to go through the development approval process and comply with the conditions of approval in the amended master plan or apply for an amendment to the approved master plan. The proposed amended master plan complies with the remand KSP provision.

Further, in the original approved master plan's subdivision element, the Lowrey family property was shown as subdivided. The Lowrey's have indicated they do not wish to have their property divided at this time. Therefore, the tentative plat is amended to remove the Lowrey property from the tentative plat and only plan for subdivision of the property that the applicant owns. In this regard, this is why the Lowrey property is referred to as the "excluded" property. No KSP or KDC approval standard prohibits a master plan subdivision element from subdividing only those areas owned by the applicant. This element of the master plan also complies with the remand KSP provision because nothing in the remand KSP provision requires that unowned property be subdivided.

III. CONDITIONS
FOR MASTER PLAN AMENDMENT APPLICATION

The evidence establishes the Master Plan amendment proposal complies with the decision criteria. Council approves the Master Plan Amendment subject to the following conditions which shall be completed, including review and approval by the appropriate department, prior to the recording of the final plat (Mylar), unless otherwise noted:

Conditions for Master Plan Amendment Application

1. Central Park which located adjacent to I-5, at the east end of the site shall be a minimum size of 1.25 acres. This may be completed by applicant obtaining acquisition of the adjacent wetland area own by ODOT or the readjustment of Tract 'A' to meet a minimum size of 1.25 acres. If the boundaries of Tract 'A' is readjusted it shall comply with the minimum area requirements.
2. Park improvements to Tract 'A' and all wetland area shall be protected according to the State Wetland rules and guidelines. All other improvements shall be similar in design to the remaining portion of the park.
3. The area identified as the Chemawa Park, which is located between the relocated ODOT access control fence and along Chemawa Road, Road A and B and Lot 1 shall include open space lawn area, ornamental shrubs and trees, benches, tables, trash receptacles, and pedestrian scale lighting fixtures as approved by the Community Development Director.
4. All park improvements shall be the responsibility of the developer and shall be completed when the public improvements are completed.
5. In any building and development permit review application submitted under this master plan by the owner of a legal lot of record with an EG zoning classification, designated as either commercial flex space or industrial use classification in the master plan, which property is not owned by the applicant at the time of this master plan approval, such legal lot of record may be developed without being subject to the regulations governing lot width, street frontage, depth or area. The excluded parcels are either conforming or lots of record under KDC 2.201.03. As such, the excluded parcels all have adequate area to develop with the designated commercial or industrial uses listed in the KDC for the EG zone. Council finds that the Lowery parcels are in existence at the time the current zoning restrictions were adopted and as such become existing lots of record.

The intent of this condition is to make clear that the Lowery parcels, which are excluded from the amended subdivision proposal, are lots of record and may be developed as such under KDC 2.201.03 without regard to regulations governing lot width, street frontage, depth or area.

PUBLIC WORKS REQUIREMENTS: The following requirements are conditions of approval, as identified by the Public Works Department.

The Public Works Department has reviewed the applicant's submittals and has compared them with the requirements of the adopted Keizer Station Plan. The developer shall submit a detailed phasing plan for all required improvements including site grading, prior to any construction and grading of the subject property. The following are incorporated into the findings for approval of the master plan and subdivision.

SANITARY SEWERS:

The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre prior to platting of the subdivision. The acreage fee applied will be the fee in place at the time of development of the property. The Master Sewer Plan provides for a sewer trunk line to be constructed through the subject property with adequate size and depth to provide for additional capacity for areas located within the original sewer district west of the BNSF railroad. Additionally, Area D, south of Chemawa Road shall be served with a sewer trunk line to be constructed along with the proposed under crossing of Chemawa Road. A review of the construction plans for the subject property will be required to assure that capacity of the master plan sewer trunk lines is not exceeded. Additionally, the following requirements shall be applied:

6. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the Department of Public Works for review and approval. The plan shall include proposed rim and invert elevations. The entire project shall be served by an existing 18" trunk sewer line adjacent to Keizer Stadium.
7. City of Salem approval for both sewer trunk lines and local sewers is required. Permits from the City of Salem shall be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the 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.
8. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
9. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
10. It will be the responsibility of the developer's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits.

WATER SYSTEM:

11. The applicant has submitted a master water system plan showing proposed routes of public water mains, fire hydrants and individual services. The master plan is generally acceptable to the Public Works Department, however, prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines located outside of proposed right of ways. Final location of all meters to be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNRR right of way, and any other off-site construction required to provide required peak flows to the proposed 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. Dedication of property to the City shall be required for any wells or storage facilities developed. Any system development charges for water system improvements will be those in place at the time of individual service connections.
12. Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.
13. It will be the responsibility of the developer to abandon all existing wells prior to site grading in accordance with the rules of the Oregon State Water Resources Department unless the City has determined that water rights are available in some cases that could be transferred to municipal use by the City.

STORM DRAINAGE IMPROVEMENTS:

14. The applicant has submitted plans indicating the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge.

15. Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces. Where on-site detention is planned, adequate covenant, conditions and restrictions (CCR) shall be recorded to alert future owners/developers that detention and/or treatment shall be required to be constructed to the standards in effect at the time of building permit application.
16. A grading and drainage plan shall be developed for the subject property including proposed lot corner elevations. Details shall include adequate conveyance of storm water from adjacent property across the subject property.
17. If it is anticipated that the property will develop in phases, prior to any development, a phasing plan shall be submitted to indicate how the storm water management will be developed to provide service to each area.
18. The developer shall submit to the Department of Public Works a master plan for erosion control for the entire site. The master plan shall be approved by the Department of Public Works. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality.
19. The drainage plan for the project includes a proposed storm drain pump station for a portion of the realigned Radiant Drive. The street section requiring pumping shall be minimized to the fullest extent possible. The Department of Public Works shall determine the criteria for design of the station. The developer's engineer shall provide three sets of an approved operation and maintenance manual for the station including a provision for emergency or standby operation. The developer shall also submit a plan for financing the annual operation and maintenance expense of the station.

TRANSPORTATION:

20. The proposed development requires construction of an underpass under the BNRR as well as an underpass of Chemawa Road. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements including but not limited to, construction of an extension of Radiant Drive to Lockhaven Drive and continuing to Chemawa Road to a point south of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian under-crossing of the BNRR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area D development, ODOT and the Keizer Community Development Department. The path shall be of P.C.C. and constructed to a width of 12 feet.

21. All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. Tepper Lane shall be constructed as a ¼ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles. All other streets shall be designed to arterial standards in terms of structural section and geometrical configuration. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed.
22. The applicant's engineer shall submit detailed traffic signal plans indicating phasing, recommended inter-ties, materials to be used, etc. to the City of Keizer Department of Public Works for approval prior to construction. All traffic signal plans shall be designed to City of Salem/ODOT Standards where appropriate.

GENERAL:

23. A street lighting master plan shall be developed. A street lighting district shall be created while under the control of the developer to provide for adequate street lights along the frontage of all new street rights of way. Decorative lighting approved by the Department of Public Works shall be used.
24. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at 390-7402 for the necessary permit information that is required.
25. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
26. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
27. Facility phasing plans and arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works and the City Council.

28. All easements to be located in the appropriate locations based on actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations.
29. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place prior to construction permits being issued or the final subdivision plat approval.

In order for the Master Plan to receive final approval the applicant will be required to submit documentation demonstrating compliance with all applicable federal, state and local requirements. This shall include all conditions adopted by the City Council which apply to this Master Plan. These shall be submitted to the Community Development Director for verification and final approval.

IV. FINDINGS – PROPOSED AMENDED SUBDIVISION
ELEMENT OF AMENDED MASTER PLAN

Introduction

An amendment to this subdivision element of the master plan is subject to a Type II procedure (KDC 3.101.02). Because the subdivision is an element of the master plan, it is reviewed by the City Council. In any case, even a non master plan subdivision can be referred to the City Council. Following a City Council approval of the subdivision, subsequent City review of the project design and construction details will be completed as part of the building permit and development approval process.

The criteria that apply to a subdivision include lot size and orientation, provision of utilities, and circulation details. The subdivision application provides the information required by the KDC. Many of the conditions of the previous subdivision are not changed by these amendments. Therefore Council finds the validity of these previous, un-amended conditions have not been adversely impacted by this amendment. The conditions of approval are attached in Exhibit ‘3’ and continue to apply to this amendment proposal.

Findings-Subdivision

- A. The Review Criteria for the proposed Subdivision is listed in Section 3.108.04 of the Keizer Development Code. The criteria and findings are listed below:

3.108.04.A The proposal shall comply with the applicable development standards in Section 2.405 and Section 2.3 as appropriate, including provisions for streets and utilities.

Section 2.405 contains development standards for manufactured home parks and are therefore, not applicable in this situation. Section 2.3 of the Keizer Development Code contains the policies and standards, which guide all development approvals within the City of Keizer. Listed below is only the applicable development standards contained in Section 2.3, which are pertinent to this subdivision approval:

Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Storm Drainage
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions

FINDINGS: Consistency with the above KDC sections is addressed in the earlier section related to the standards under the EG zone for the Keizer Station Plan, with the exception of requirements in Section 2.310 specifically related to subdivisions. These requirements are addressed below.

2.201.04 Access to a Public Street. All uses shall be located on a property having access to a public street which includes: public street, private street, or private access.

FINDINGS: The existing lots which abut the subdivision must have access to a public street. Access shall be provided to each of the existing lots through a public street, a private street or a private easement which shall meet the standards set in *Street Standards* Section 2.302 and *Off Street Parking and Landscaping* Section 2.303. With this standard placed as a condition of approval this request can meet with this criterion.

SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS

B. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

FINDINGS: This criterion was addressed in the Master Plan findings in Section A 1(b) and (c) above.

C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions:

1. *Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet of semi-private outdoor living space for each unit.*
2. *Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width.*
3. *Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.*

FINDINGS: The applicant's site plan PP-4 indicates that each lot does not contain a depth that exceeds three (3) times the width of the parcel.

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

FINDINGS: All of the commercial lots created within the subdivision provide a minimum street frontage of 100 feet. The minimum lot width for the industrial uses is eighty (80) percent of the land must be 350 feet in width and the remaining twenty (20) percent must be a minimum 150 feet in width. Of the industrial lots created within the subdivision, eighty (80) percent has over 350 feet in street frontage and twenty (20) percent has over 150 feet in street frontage. Council therefore finds the industrial uses meet this criterion. The Council notes that the Lowrey parcels are excluded from the subdivision and therefore they are not "created" parcels.

- E. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line.**

FINDINGS: The side lines of the lots run at right angles to the right-of-way lines upon which the lots face for almost all of the lots. The one exception is the side lines of Lots 5 and 6 which follow the driveway. The rear lot lines are not less than one-half (1/2) the dimension of the front lot line in any case. Council, therefore, finds this criterion has been met.

- F. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code.**

FINDINGS: Section 2.302.04 states that utility easements shall be between five and 10 feet adjacent to the right of way. The width may be increased as determined by the Department of Public Works on a case by case basis. The width of the utility easements range from 15 feet to 50 feet within each lot, based on the preliminary plat provided by the applicant. The Department of Public Works comments state that "all easements to be located in the appropriate locations based on actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations."

2.310.04 Additional Design Standards For Subdivisions

A. Standards for Blocks

- 1. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.**
- 2. Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development**

pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

FINDINGS: The proposed realignment of Radiant Drive and the construction of the three new roads will be to arterial standards in terms of structural section and geometric configuration. The distance between the intersections is more than 600 feet and less than 1,800 feet. The blocks have been laid out to provide adequate building sites for the proposed uses, convenient access and circulation, and safety of traffic signals. Multiple entrances off the streets are provided within each block to serve the various uses proposed. These entrances are adequately spaced to provide convenient access and circulation. Entrances into the blocks are located away from street intersections and should not provide conflicts with the intersections.

One of opponent Lowey's law firms, Web Martinis & Hill, wrote a letter to the Council on March 28, 2005 opposing the amended master plan. This letter is in addition to the letter written by the Lowey's other law firm: Oregonian's in Action. This first law firm letter is hereinafter referred to as the "Hill letter". The Hill letter repeats arguments made by Oregonians in Action and those repeated arguments are not revisited here. However, the Hill letter also asserts that KDC imposes approval criteria regarding block length that are not satisfied by this application. The Council respectfully disagrees with the Hill letter's premises.

First, no blocks are being changed under the amendment proposal. All blocks in the amended proposal are as they were originally approved by the Council for the original Master Plan approval. Nothing in the proposed amendment adversely or otherwise affects the findings in the original decision approving the subdivision, including regarding streets and blocks. Therefore, the Hill letter's complaint in this regard concerns an issue that was settled in the Council's approval of the original master plan, and not subsequently appealed to LUBA. The Lowry's, through their attorneys at Oregonians in Action, appealed the original master plan approval to LUBA. At LUBA they could have but did not raise their new issue regarding block length. The Council need not revisit issues that were settled in the original Master Plan approval that are neither changed nor affected by the proposal. It is noted that the Hill letter does not claim that the proposed amendments change the way the blocks and streets comply with standards.

Second, the Council notes in the alternative only and without waiver of its right to rely on the original approval of the master plan regarding these unchanged streets and blocks, that the block length issue is not well taken in any event. The cited provision – KDC 2.310.04 regarding blocks is not a mandatory approval standard and the Council expressly so finds. Specifically, the KDC provision regarding block length states: "Blocks *should* not exceed 600 feet in length between street lines..." (Italics added).

The above quoted KDC provision uses the permissive term "should" regarding block length. The permissive term is aspirational only and is not a mandatory approval standard. Accordingly, the Council finds that it is unnecessary for a

master plan, including the amendment to the master plan (to the extent the provision applies at all) to establish compliance with that aspirational provision in any event.

The Hill letter also makes assertions regarding KDC 2.310.04 arguing this provision is not satisfied by the proposal because the Lowery parcels do not have access and that the road configurations in the proposal make the Lowery parcel's undevelopable. The Hill letter is wrong in both respects. The Lowery parcels will have access to all public streets via an access easement that is specifically required as a condition to this approval decision. Moreover, the Lowery parcels are not rendered undevelopable. They are lots of record that may be developable without regard to the dimensional standards of concern in the Hill letter.

The Hill letter further claims that the subdivision creates an "island" because the parcel designated in the report as EP-5 is undevelopable, as well as that parcel designated as "Tract F". Council respectfully disagrees. These records of this proceeding establish that these will be developed with industrial uses including utility uses or access. The lot size standards do not apply to utility or right of way uses. Further, as noted, this approval decision requires via a condition of approval that access be provided to EP-5 by the applicant across "Tract F" thereby answering this concern.

The Council does not understand the Hill letter to raise any other issue regarding the proposal's compliance with KDC 2.310.04.

The Council notes that following provision is a mandatory approval Standard in KDC section 2.310.04.B

"Traffic Circulation. The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation."

The application continues to establish that the design of the transportation system provides safe and convenient access for vehicles, bicycles and pedestrians to the residential area to the west and has met accepted, professional design standards and council finds that this KDC approval standard has been met. The findings regarding the transportation system's compliance with this provision is established in the Council findings incorporated by reference into this decision that support the original Master Plan approval decision and those findings are hereby reaffirmed.

B. Traffic Circulation. The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial

areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within ¼ mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302.B and Section 2.315.08A.1 in the previous Master Plan/Subdivision Case No. 2004-21. The criterion has been met with conditions.

C. Connectivity. *To achieve the objective in B., above, the Director may require the following:*

- 1. *Stub Streets:*** *Where the potential exists for additional residential development on adjacent property.*
- 2. *Pedestrian/Bicycle Accessways:*** *Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system.*

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.315.08A.1 and Section 2.315.08.A.9 in the previous Master Plan/Subdivision Case No. 2004-21. Council, therefore, finds this criterion has been met, as conditioned.

D. Design Standards. *Pedestrian/bicycle accessways shall meet the following design standards:*

- 1. *Minimum dedicated width: 10 feet***
- 2. *Minimum improved width: 10 feet***
- 3. *Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required.***
- 4. *Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision.***
- 5. *The accessway shall be designed to prohibit vehicle traffic.***

FINDINGS: The pathway along Interstate 5 is required by the Disposition and Development agreement between the City of Keizer and the Developer to be a minimum of 12 feet in width. At scales of 1" = 100', this is difficult to determine, but along Radiant Drive appear to be consistent with the criterion. The pathway along Interstate 5 appears to be 12 feet wide and the bike and pedestrian access along Radiant Drive appear to be 18 feet wide. The pathway running through Chemawa Park connecting Chemawa Road and Road A to Road B appears to be 8 feet. This pathway should be increased to be 12 feet wide, consistent with the pathway along Interstate 5. The pathways shall be designed to prohibit vehicle traffic and shall include lighting.

2.310.06 - Improvement Requirements - Subdivisions

- A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.303 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.**

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan findings for Section 2.302.A in the previous Master Plan/Subdivision Case No. 2004-21. Council, therefore, finds this criterion has been met, as conditioned.

- B. Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.**

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan findings for Section 2.302 in the previous Master Plan/Subdivision Case No. 2004-21. Council, therefore finds this criterion has been met, as conditioned.

- C. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.**

FINDINGS: This is a development requirement and a condition of subdivision approval.

- D. Bench Marks Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.**

FINDINGS: This is a development requirements and a condition of subdivision approval.

- E. *Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.***

FINDINGS: This criterion has been addressed in the previous Master Plan/Subdivision Case No. 2004-21 under Section III, Keizer Station Master Plan, findings for Section 2.306. Council, therefore finds this criterion has been met, as conditioned.

- F. *Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.***

FINDINGS: This criterion has been addressed under Section III, in the previous Master Plan/Subdivision Case No. 2004-21, findings for Section 2.307.02.D. The criterion has been met with conditions.

- G. *Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction.***

FINDINGS: This criterion has been addressed under Section III, in the previous Master Plan/Subdivision Case No. 2004-21, findings for Section 2.307.02.B. The criterion has been met with conditions.

- H. *Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision.***

FINDINGS: Sidewalks are proposed along both sides of Radiant Drive, Road A, Road B, and Road C. Tepper Lane is to be constructed as a ¾ width street and therefore is proposed to have sidewalks on one side of the street only. Additional sidewalks are proposed as conditions of approval as noted in the previous Master Plan/Subdivision Case No. 2004-21 Section III, Master Plan findings for Section 2.315.08.A. Council, therefore finds this criterion has been met as conditioned.

- I. *Street Lights.* The installation of street lights is required at locations determined to be appropriate by the City and shall be of a type required by City standards.**

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan findings for Section 2.307.02.E in the previous Master Plan/Subdivision Case No. 2004-21. Council, therefore finds this criterion has been met, as conditioned.

- J. *Street Signs.* The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.**

FINDINGS: This is a condition of subdivision approval. No building permits will be issued until all required street signs are installed.

- K. *Public Works Requirements.* All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.**

FINDINGS: This is a condition of subdivision approval. Public Works comments are included under *Conditions* of the Keizer Station Master Plan section of . These comments are applicable to the subdivision application.

- L. *Curb Cuts.* Curb cuts and driveway installations, excluding common drives, are not required of the subdivision, but if installed, shall be according to the City standards.**

FINDINGS: All curb cuts and driveway installations shall be constructed according to City standards.

- M. *Street Trees.* Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03 (M).**

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan findings for Section 2.302.M in the previous Master Plan/Subdivision Case No. 2004-21. Council, therefore, finds this criterion has been met as conditioned.

- N. *Grading and Fills.* All grading which results in fill in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.**

FINDINGS: This is a development requirement and must be a condition of subdivision approval.

SECTION 3.108.04.B *Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved.*

Section 2.119.9 of the Keizer Development Code contains the dimensional standards and density standard for the EG zone.

FINDINGS: Consistency with KDC Section 2.119.9 is addressed in the Keizer Station Master Plan findings Section III.A.1.(a, b & c). Council finds this request meets this criterion.

SECTION 3.108.04.C *Adequate public facilities shall be available and shall serve the existing and newly created parcels.*

FINDINGS: Public sewer and water are available and will be extended to serve the subdivision. Section 2.301.03 requires the following public facilities to be provided: fire hydrants, street improvements, water hook-up, sewer hook-up, storm drain, and street lights. No development permit, including building permit, shall be approved or issued unless the improvements are provided prior to occupancy or operation.

V. SUBDIVISION – DEVELOPMENT REQUIREMENTS

- A. The City Engineer submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Council requires these as conditions of approval.
- B. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer of property within the Master Plan area is responsible for all utility connection costs.
- C. The City's System Development Charges including those for transportation and park development shall be the fees in place at the time of building permit application. These Development charges, as well as those involving the extension of public facilities in place at the time of the building permit application including sewer, water, transportation system and storm drainage apply.

VIII. CONDITIONS FOR SUBDIVISION APPLICATION

Conditions for Subdivision Application

REQUIREMENTS: The Keizer Development Code establishes specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for convenience of the reader.

- 1. Completion, submittal and recording of the final subdivision plat shall comply with the requirements contained in the Keizer Development Code.
- 2. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:
 - a. The plan shall substantially conform to the proposed subdivision request.
 - b. Include all engineering elements as required by the Department of Public Works requirements.
 - c. Lots shall comply with all area and dimension requirements for lots within the Employment General (EG) zone. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision, which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS

Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat.

3. Access shall be provided to existing lots through a public street, a private street or a private access easement which comply with Section 2.302 and 2.303 of the KDC.
way

**ATTACHMENT 2
ORDER
MASTER PLAN AMENDMENT #05-07**

**FACTS, FINDINGS AND CONDITIONS OF APPROVAL
MASTER PLAN APPROVAL, #04-21
(Including revisions)
KEIZER STATION AREA A VILLAGE CENTER**

FACTS

- A. **APPLICANT:** Northwest National, LLC
- B. **AGENT:** W & H Pacific, Rick Martin
- C. **PROPERTY LOCATION :**

The subject property is located at the Chemawa/Interstate 5 interchange. The subject property consists of Area A (Village) of the Keizer Station Plan, a parcel owned by the City and located in Area B (identified on Marion County Tax Assessor's Map No. as Township 6 South Range 3 West, Section 36BC, Lot 06000); and other property located in Keizer Station Plan Area B.

- D. **EXISTING PARCEL SIZE:** The subject property contains approximately 96 acres.

- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:**

The site has street frontage onto Chemawa Road, Lockhaven Drive, Tepper Lane, Radiant Drive, Ridge Drive, and McLeod Lane, which are public streets. I-5 and the Chemawa Interchange are immediately east of the site. Public water is available to the subject site. Public sanitary sewer service is currently available north of the site. Public bus transit is provided by Salem Area Transit with Route numbers 4 and 9 currently serving the intersection of Lockhaven and McLeod. Route #4 services the School for the Deaf, Cherriots Administrative Office, Keizer, and Whiteaker Middle School.

- F. **PLAN DESIGNATION AND ZONING:**

The subject property is designated Special Planning District on the Comprehensive Plan Map and is zoned EG (Employment General) for the parcels in "Area A" and CM (Commercial Mixed Use) for those in "Area B".

G. ADJACENT ZONING AND LAND USES:

The site is bordered on the north by Tepper Lane, Interstate 5 (I-5) to the east, Portland and Western Railroad to the west, and Chemawa Road to the south. A residential neighborhood is located on the west side of the railroad tracks, and Tepper Lane crosses the tracks, providing street access between the subject property and the neighborhood. Industrial properties, electrical utility facilities, and the baseball stadium lie to the north of Tepper Lane. The surrounding properties are zoned RS – Single Family Residential to the west, IG – Industrial General to the north, and IBP – Industrial Business Park to the northeast and south.

H. PROPOSAL:

The proposal consists of four related applications, which are Keizer Station Master Plan, preliminary Subdivision plat; a Major Variance for building setbacks for seven (7) buildings; and, a Sign Variance. These four applications are described in more detail below:

Originally, a Comprehensive Plan Map Amendment/Zone Change application was applied for to accommodate the adjustment necessary for the placement of “Anchor 1”. Analysis of the zoning showed that the southern half of the Portland General Electric property was zoned EG with the Keizer Station Plan and a zone change was unnecessary.

Keizer Station Village Center Master Plan

Land Uses

Development within the site includes 758,810 square feet of commercial/retail building area, 3.12 acres of park land, 799,110 of specified uses (KDC 2.119.07.B), five plazas ranging in size from approximately 2,750 to 4,900 square feet, and bike and pedestrian pathways. The site is grouped into three distinct planning districts:

- **Power Center:** northern half of the site. Includes anchor buildings 1 through 3, major tenant buildings 1 through 7, retail buildings 1 through 4, and restaurant buildings 1 through 4. These buildings will include, but are not limited to, tenant uses such as home improvement, variety, clothing, home furnishings and electronics, office products, crafts, home accessories, books, small in-line shops and restaurants, sit-down restaurants, and drive-thru restaurants.
- **Neighborhood Center:** located between Radiant Drive and the northern portion of the site. Includes anchor buildings A through B, shop buildings A through C, and pad restaurant buildings A and C. These buildings will include but not be limited to such things as grocery, drug store, food court, sit-down restaurants and neighborhood shops and services.
- **Area south and east of Radiant Drive:** Includes a major commercial office building, hotel, sit-down restaurants, drive-thru restaurants, fuel center, and other related commercial uses.

Three parks, totaling 3.12 acres, are proposed:

- Chemawa Park (1.10 acres) is located outside the master plan area, between the relocated ODOT access control fence along Chemawa Road, road A and B and lot 1. It will act as the village center entry point for pedestrians. Amenities include open space lawn area, ornamental shrubs and trees, benches, tables, trash receptacles, and pedestrian scale lighting fixtures.
- Central Park (.97) is located adjacent to I-5, at the east end of the site. The park surrounds a 0.28 acre wetland area and will combine existing native vegetation with ornamental plants and trees, and plaza/hardscape amenities. Plaza construction and amenities will include: concrete pavers and poured in place concrete; a range of concrete finishes from standard broom finish to colored stamped patterns; natural stone faced retaining wall to define the wetland area and relationship to the park/plaza area; benches, tables and movable chairs; and bollards, cast iron tree grates, trash receptacles and movable planters. A multi-use shelter/gazebo will create a community gathering space for special events throughout the year.
- Tower Park (1.05 acres) is located in the northeast corner of the Village Center. It has an open space environment consisting of lawn and ornamental shrubs and trees to create an informal park. Design elements will include benches, picnic tables, trash enclosures and a pedestrian pathway that connects the overall Village Center pedestrian circulation system to the Volcanoes baseball stadium complex to the North of the site.

Five plazas are proposed in order to offer outdoor use opportunities. Amenities include seating, tables, articulated plaza features, trellises, water features, specialty lighting, and more intense landscaping. The plazas are located between shop A and B, between pad C and shop C, south of major 7, between retail 2 and 3, and south and east of major 4.

Circulation

The internal street system allows for vehicular travel within the site as well as providing access to and from major arterial streets to the south (Chemawa Road), west (Lockhaven), and access to the existing and future sports facilities to the north. There will be approximately two miles of new public roads and three new bridges.

Internal streets will have a boulevard feel with tree lined streets, landscape medians, and low-impact street lighting. All streets are proposed with bicycle lanes in each direction and eight-foot wide pedestrian sidewalks, separated from the street with a five-foot landscape buffer. As a result of safety concerns, certain specific areas do not have sidewalks. Radiant Drive is the primary through street and will be depressed for a portion to allow it to pass under the railroad and Roads A and C. Tepper Lane will be widened to accommodate a local street improvement. An additional nine feet of right-of-way for a half-street width of 24 feet will be dedicated. A pedestrian underpass at Tepper Lane will provide a pedestrian and bicycle connection from the adjacent neighborhood to the development.

A system of internal pedestrian walkways to building structures is proposed. These connections vary in width from five feet to twelve feet and connect to larger articulated

building entrance plazas, varying in width from 10 feet to 16 feet, and the larger outdoor plaza areas.

Water Service

Water service will be provided by a connection to a new reservoir south of Chemawa Road NE as well as connection to the existing water mains in Tepper Lane and Lockhaven Drive. The public water system will be constructed in dedicated public right of ways within the realigned Radiant Drive and roads A, B and C. Fire hydrants will be spaced between 250 and 500 feet to any point on the buildings.

Sanitary Sewer

Sanitary sewer service will be provided through a connection to the existing 21-inch sewer main at the intersection of the existing Radiant Drive and Tepper Lane at the existing ball field entrance. The public sewer main will be extended to the south along the realigned Radiant Drive, within the right of ways for streets A, B and C and within dedicated public right of ways. Each lot will be provided with at least one sewer service connection.

Storm Drainage

Storm drainage facilities will be provided within the public roadway system to collect and convey runoff from the development. The project area is identified as a critical drainage basin, requiring higher runoff control standards. The public storm drain system will provide an overcapacity conveyance system. Each private lot will provide water quality treatment and detention of its storm water runoff.

Landscaping

Most of the existing deciduous trees are a combination of alder, ash, poplar, maple, birch, oak, unidentified sucker and common orchard fruit and nut trees. Existing evergreen trees include cedar, fir, pine, and sequoia. Twelve significant evergreen and two deciduous trees have been incorporated into the new site plan. A grove of aspen and ash/alder have been preserved within the wetland delineation area (Tract A). The landscape master plan shows a proposed ratio of 7.7 new trees for every one tree removed.

Subdivision Proposal

The subdivision request is to subdivide 95.7 acres (currently 39 lots) into a 14-lot and 3-tract commercial/industrial area.

Major Variance

The applicant is requesting Major Variance approval for the building setbacks for buildings labeled as Pad 'A' and 'C' and Restaurant '1', '2', '4', and '5'. The Keizer Development Code has a minimum setback of twenty (20) feet for Industrial Uses within the EG Zone. The applicant is proposing to allow a minimum setback of 12 to 14 feet. In addition, a Major Variance is requested for the building setbacks for Shop 'A'

and Anchor 'B'. The Keizer Development Code requires a minimum setback of ten (10) feet and a maximum setback of twenty (20) feet for commercial uses whereas the applicant is requesting a setback of 31 to 33 feet.

Sign Variance

The applicant is requesting a Variance for the sign height. The Keizer Development Code has a maximum height limitation of 20 feet. The applicant is proposing a tenant directory sign that is 68 feet in overall height.

II. COMMENTS

The Public Works Department has submitted a memorandum with extensive comments and recommendations regarding the proposal

The Keizer Fire District submitted the requirements of the Uniform Fire Code. The city received comments from City of Salem Development Services, Portland General Electric, Marion County Planning, and citizens..

III. FINDINGS – KEIZER STATION MASTER PLAN

Introduction

This master plan application is the first proposal submitted following the adoption of the Keizer Station Plan and the related Keizer Comprehensive Plan and Development Code (KDC) amendments. A master plan is subject to a Type II-B procedure (KDC 3.101.02), which includes a public hearing and decision by the City Council. Following City Council approval of a master plan, subsequent city review of the project design and construction details shall be completed as part of the building permit approval process.

Objections By Lowerys

Oregonians in Action Legal Center submitted a letter dated June 21, 2004 indicating that they represent Robert and Marilyn Lowery. The Lowerys reside on property located in the Area A-Village Center. Such letter, in part, argues that Keizer Development Code (KDC) Section 3.201.04 requires in essence that the owner or agent of the owner are the only ones that can submit a Master Plan application for the subject property. However, in the adoption of KSP Master Plans, including all Master Plan elements, the applicant need not own or control all of the land.

KSP Implementation procedures "Land Use Reviews" states in relevant part the following:

“This Plan calls for the development of Master Plans for Area A - Village Center, Area A - Sports Center, Area B, and Area D. In Area C, a Master Plan is only required for development of two or more lots/parcels. The Master Plans are to be reviewed and approved by the City Council through a Type II-B review process in accordance with the Keizer Station Plan design guidelines. These Master Plans are to be publicly or privately prepared representing the development proposal for a given area. It is recognized that the applicant of the Master Plan for an area may not own or control all the land within the Master Plan boundary. All property owners in each area are encouraged to join together as co-applicants. However, to properly plan development and provision of public facilities and services, the master plan shall still cover all the area in appropriate detail based on ownership. For those portions not owned or controlled by an applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general design guidelines to be used throughout the Master Plan area. Amendments to an approved Master Plan shall require City Council approval. Subdivision approval shall be based upon the applicable zone and applicable KDC Section 3.108 requirements.

The Master Plans will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (KDC Section 2.125 of the Keizer Development Code). Individual areas may require a detailed transportation system design plan as a requirement of Master Plan approval. Once a Master Plan is adopted, individual buildings and uses must receive building permit approval. As part of the building permit process, the proposal will be evaluated for compliance with the adopted Master Plan, zone standards, and applicable design standards as referenced in the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

- ♣ In order to establish the Type II-B procedures, KDC Section 3.101.02 is amended and shown in Attachment B.
- ♣ In order to establish the criteria for Type II-B review, KDC Section 3.113 is added as shown in Attachment C.” (Emphasis supplied)

KSP, p. 10

In turn, Attachment B (Summary of Application Types) states:

“The following actions are processed under a Type II-B procedure:

- “1. Keizer Station Master Plans, Subdivision and Partitioning.”

KSP, Attachment A, page 1.

Master planning of the KSP area was determined by the City Council to be necessary for cohesive development of the area and to achieve the economic development purposes of the KSP. As is clear from the above quoted provisions, master planning includes public facilities planning as well as subdivision or partition approval. No one has contended otherwise. Moreover, it is also clear from the above quoted provisions that any conflict between the KSP provisions and the development code are resolved in favor of the KSP.

The Council finds that KDC 3.201.04 does not apply to the KSP Master Plan application. The council finds that the approval contemplated in this proceeding is the approval of the contemplated KSP Master Plan including all of its elements to realize the objectives of the KSP.

Master Plans are subject to the Type II-B process and the Type II-B process as quoted above expressly contemplates that all owners may not submit or approve of the master plan application. Nevertheless, a master plan is required by the KSP. Further, in the Master Plan approval process, the City expressly required that all property be included to ensure the KSP area is developed as a cohesive whole. It is axiomatic that the master plan approval process specified in the KSP is not subject to collateral attack here.

As the KSP provisions explain, the specific provisions of the KSP prevail over the more general provisions of the city code. Here, the master plan application includes all of the contemplated elements, including streets, public facilities, open space, parking, subdivision and variances. At the time of actual KSP development under the Master Plan provisions, the property must be owned by the developer, or it must be acquired by the city or Urban Renewal agency. The City Council finds it is feasible for the city to exercise its authority of eminent domain to acquire any property necessary to allow the implementation of the KSP approved Master Plan.

The KSP and the ability to achieve the purposes of the KSP through the KSP process has been explained and determined by both the city council and the city urban renewal agency in the

comprehensive analysis of the KSP. Adopting the Master Plan is necessary to achieve the purposes of the KSP.

The city and its urban renewal agency determined that the KSP and its processes were necessary to provide economic development opportunities to the city and its citizens. The findings supporting the KSP decision adopting urban renewal for the KSP area explain:

“The City Council finds the lack of development in the CACP area particularly troubling because no development occurred through the 1990s, the decade with the greatest economic growth in recent history.” “The City of Keizer and the Urban Renewal Agency of the City of Keizer entered into a ‘Nonexclusive etc to the end of that sentence.

Finally, the City determined the best way to achieve the objectives of the City and the City’s urban renewal agency was through the KSP and the KSP development process as follows:

“The applicant for the [adoption of the KSP amendments] is the City * * *. Northwest National LLC is the City’s choice of developer to bring the economic objectives of this decision to fruition.” KSP Findings page 7.

The Master Plan has been presented by Northwest National LLC as contemplated to achieve these economic development objectives.

It is important to underscore what the findings supporting KSP explained after listening to citizen testimony in countless public hearings:

“The biggest deterrent to realizing economic growth in Keizer is the lack of commercially zoned property.” KSP Findings page 68.

“If nothing is done, the lack of commercial land will seriously inhibit Keizer’s economic development potential in the near and long term.” KSP Findings page 69.

“The KSP includes requirements for Master Planning, which is a planning tool available to encourage vacant or underutilized land to be aggregated and developed as a whole. Therefore, through the tool of zoning designations and master planning, the sites in the KSP alone are capable of delivering the suitable sites having the size and locational and other characteristics that the [economic opportunities analysis] identifies.” KSP Findings page 76.

While the City prefers that the Master Plan be implemented in a collaborative process, the City’s authority of eminent domain allows it to complete the Master Plan in order to complete the KSP. Completion of the KSP is respectful of the countless hours of citizen testimony, planning commission, city council, city urban renewal agency, SKAPAC and the time of others in crafting the KSP.

The KSP including its findings were affirmed by both Land Use Board of Appeals and the Oregon Court of Appeals and it is inappropriate and unfair to revisit that decision at this late date. The City will not do so.

Master plan Criteria

The criteria that apply to a master plan range from overall master plan objectives and arrangement of uses to landscaping, site planning, and architectural details. The master plan application provides the information required by the KDC. Because this project will occur over a number of years involving buildings for tenants which are not known at this time, not all of the specific building design details are available as part of the master plan review. The concepts that are presented will however provide a basis for specific building permit review and administrative approval.

As a result, this staff report focuses primarily on the proposed master plan concepts submitted by the applicant and the overall objectives of the Keizer Station Plan and related KDC provisions. Many of the design details will be evaluated during the building permit process. It is important for the City Council's master plan decision to provide clear guidance regarding the desired outcome of the many design decisions that will be part of building permit approval for the improvements.

A. The Review Criteria for the Keizer Station Master Plan are listed in Section 3.113.04 of the Keizer Development Code (KDC). The criteria and findings are listed below:

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

The purpose and objectives for Area A – Village Center, are identified on page 15 of the Keizer Station Plan and are listed below.

a. Purpose: The Village Center will provide the opportunity to establish a true economic activity center that will focus on offering a variety of industrial and commercial activities. Key issues that will need to be considered as Area A – Village Center develops include:

- Location and design of transportation facilities. Traffic operations at the Chemawa Interchange.
- Physical constraints (e.g. power lines, utility easements, rail right-of-way) that will influence the amount of buildable land and building locations; and
- Phasing of development.

FINDINGS: The proposed development in Area A includes approximately 898,000 square feet of floor area offering a combination of commercial and industrial uses as specified in the EG zone (discussed later in this report).

The applicant's traffic consultant, City Staff, the City's traffic engineer, and City engineer (plans have been forwarded to the Oregon Department of Transportation (ODOT)) have evaluated the impact of this development on the transportation system. The street design is based upon the input from traffic and transportation planning professionals from each of these parties.

The buildings and improvements are located to keep existing easement areas clear of inappropriate development.

No information has been provided regarding phasing for the development shown.

- b. Objectives: Development in Area A – Village Center will be focused on achieving the following objectives:
- Provide a northern gateway to Keizer;
 - Develop a variety of employment opportunities;
 - Create a focal point for commerce and community activities;
 - Establish a place for multiple activities;
 - Provide a gateway to sports activities; and
 - Be a source of employment opportunities.

FINDINGS:

The landscaping and pathway improvements along Chemawa Road and I-5 and a “Welcome to Keizer” monument sign in the northwest quadrant of the I-5/Chemawa Road interchange will create a gateway to the city if developed aesthetically and in accordance to landscape design industry standards and maintained appropriately.

The proposed mix of commercial and IBP uses on the site will clearly provide new and varied employment opportunities. Although the proposed master plan will provide the desired employment, the current design appears to fall short of the objectives to provide a focal point for community and multiple activities, and a gateway to sports activities (primarily the baseball park to the north). The arrangement and orientation of buildings, plazas, and open space provides a scattered assortment of amenities and public spaces, which are separated by significant distances. This results in a development with sidewalks but without any meaningful pedestrian orientation or scale. One must keep the size of the site and some of the proposed buildings in mind when evaluating the site. For example, the three buildings in the northwest portion of the site (Anchors 1 and 2 and Major 1) have a combined frontage of almost ¼ mile. In its proposed configuration, visitors will almost surely drive – even between stores. To meet objectives stated above, the following need to be adjusted on the Site Plan as approved by Community Development Director

- ♣ Improve plazas/open spaces so that there are better opportunities for effective pedestrian use.
- ♣ Cluster complementary uses/spaces along Radiant Dr. to enhance greater convenience (e.g., between office bldg. and restaurants, hotel and park)
- ♣ Improve pedestrian connections generally and provide an inviting pedestrian gateway into the site via Radiant and Street A including re-orienting the office building to take advantage of the park amenities.

3.113.04 B The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones:

1. Design standards
2. Transportation system standards
3. Utility standards
4. Parking standards
5. Landscape standards

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied.

The applicable zone within the subject site is General Employment (EG). Sections 2.119.02 through 2.119.07 identify the various uses allowed in the EG zone as well as the required mix of industrial and commercial uses. Sections 2.119.08 through 2.119.10 define the development standards, dimensional standards, height, setback, coverage and landscaping requirements, and design standards. Section 2.119.10 states that all development in the EG zone must comply with the applicable standards identified in the KDC including, but not limited to, the following:

Section 2.3	General Development Standards
Section 2.301	General Provisions
Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Storm Drainage
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions
Section 2.312	Yard and Lots Standards
Section 2.315	Development Standards
Section 2.4	Special uses
Section 2.419	Service Stations
Section 2.420	Auto Services

SECTION 2.119 GENERAL EMPLOYMENT

2.119.02 through 2.119.07 identify the use requirements for the EG zone, including the permitted, special permitted, and use restrictions, which apply to the site. A minimum of 25% of the land area must be devoted to industrial uses listed in Sections 2.119.03 and 2.119.04.

FINDINGS: The applicant has identified the proposed industrial (subject to 25% minimum requirement) and commercial (up to 75% maximum) use types for the site. The uses proposed under the industrial and commercial categories comply with the KDC requirements.

2.119.09.B. Minimum Lot Dimension Requirements. Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must have a minimum lot area of 20,000 sq. ft., minimum average width of 100 ft. and minimum average depth of 100 feet. The remainder of the lots must have a minimum lot area of 10,000 sq. ft., minimum average width of 75 ft. and minimum average depth of 75 feet. Lots or tracts created only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space are exempt from the lot size and shape standards of this section.

FINDINGS: The subdivision plan submitted as part of the application complies with the minimum lot dimensions.

2.119.10 Development Standards Height, Setback, Coverage, and Landscaping

Requirements. For commercial development, the standards are as follows:

- **Building standards, maximum height: 100 ft., maximum lot coverage: 85%**
- **Building setbacks, street-side: 10 feet minimum and 20 feet maximum for commercial uses and 20 feet minimum for industrial uses; Side/Rear not adjacent to a residential zone, none; and adjacent to a residential zone, 40 feet.**
- **Minimum landscaping, percent of lot coverage: 15%**

FINDINGS: Eight buildings or footprints do not meet these requirements:

- Pads A and C, Restaurants 1, 2, and 4, do not meet the street side setbacks for industrial uses.
- Shops A and Anchor B do not meet the street side setbacks for commercial uses.
- Restaurant 5 shows a building envelope line that does not meet the Industrial setbacks.

As a result, a variance has been requested to allow amended setbacks for these buildings. The variance and related findings are covered later in this report.

- c. Alternative maximum setback option for large commercial uses. Commercial buildings that exceed 100,000 square feet of floor area are exempt from the maximum setback requirements identified in Section 2.119.10.A provided the pedestrian system connects buildings on the site to all adjacent properties.

FINDINGS: Anchor stores 1 and 2 and Major store 1 provide adequate pedestrian walkways except that a pedestrian crossing should also be provided to cross Street B next to Retail 1. Anchor 3 should have a walkway connecting to the perimeter pathway along the I-5 right-of-way.

Anchor 1 and 3, and the building that contains Anchor 2, while able to be setback greater from the street due to their size, still require the same level of pedestrian access. The application meets the criterion only if conditioned as set forth herein.

SECTION 2.302 STREET STANDARDS

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

FINDINGS: The proposed development features three new public streets within the development and the realignment of the existing Radiant Drive to pass under the existing railroad tracks to connect to Lockhaven Drive between McLeod Lane and the railroad crossing.

The location, width and grade of the proposed streets are designed to promote public convenience and safety for the commercial development.

All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. Tepper Lane shall be constructed as a ¼ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles. All other streets shall be designed to arterial standards in terms of structural section and geometrical configuration. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed.

The Public Works Department comments include specific conditions of approval.

2.302.03.B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length.

No street or utility extensions are required when any of the following circumstances exist:

1. Less than three additional existing or future lots on adjoining parcels would gain access from the extension. For purposes of this criterion, the size of said future lots shall be no greater than two times the minimum lot size of the zone.
2. Parcel shape or size prevents new lots from meeting lot width or depth standards when a public street or infill street is proposed through the parcel.
3. Partial-width streets where adjoining development would provide a full-width public street or infill street; does not eliminate the need for variances to lot depth or width requirements.
4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable.

5. **Providing access and connectivity to one or more adjoining parcel(s) would not be useful given that at least one of the following conditions exist:**
 - a. **A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s).**
 - b. **The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable.**

FINDINGS: The proposed development provides the necessary street and pedestrian/bicycle connections to adjoining properties. It will include construction of an underpass under the BNRR as well as an underpass of Chemawa Road, "Road B" and Radiant. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements include, but are not limited to, construction of an extension of Radiant Drive to Lockhaven Drive and continuing to Chemawa Road to a point south of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian undercrossing of the BNRR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area D development, ODOT and the Keizer Community Development Department. The path shall be of Portland Cement Concrete and constructed to a width of 12 feet.

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

FINDINGS: The proposed realignment of Radiant Drive shall be in alignment with the existing street by continuation of the existing centerline. The proposed streets are all through streets and do not create "T" intersections.

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

FINDINGS: Tepper Lane will dead-end at the railroad tracks to the west. Tepper Lane shall be constructed as a ¼ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles and shall safely accommodate east/west bicycle and pedestrian traffic separated from vehicular traffic.

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

FINDINGS: The proposed new streets are designed to be linear extensions at right angles. The street intersections must have a curb radius of no less than 35 feet.

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

FINDINGS: Additional right-of-way is proposed on existing streets that are at a width less than street design standards. Tepper Lane shall be constructed as a ¼ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles.

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

FINDINGS: Street names and numbers shall conform to the established standards and procedures in the City. Street names shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names. Due to the significance of this development as a landmark of the City of Keizer, street names should also receive approval of the City Council.

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

FINDINGS: The proposed arterial street grades are relatively flat and in no case do they exceed 7%. All streets have a minimum profile grade of 0.60%.

2.302.03.K. Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with

suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street.

FINDINGS: No frontage streets are proposed.

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

FINDINGS: No alleys are proposed. The site provides adequate access to off-street parking and loading facilities.

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

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

FINDINGS: The conceptual landscaping plan (Sheets LO1-4) indicates that street trees shall be planted with 30-foot spacing using one or more of 13 identified varieties. The plan specifies 1 ¼ inch caliper sizes. A minimum caliper of 2 inches should be used in areas subject to damage along walkways and streets. First, a significant number of trees are proposed for removal (Sheet TO1 of Exhibit '5'), and providing larger specimens will help offset the impact of losing these trees. Second, 1 ¼ inch caliper trees are very small and much more susceptible to damage and vandalism.

Ground cover is indicated, but not specified in the conceptual landscaping plan. This information shall be required as part of building permit approval.

SECTION 2.303 OFF-STREET PARKING AND LOADING

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

- Retail store: 1 per 300 square feet

- Service repair center; retail store handling bulky merchandise (e.g. furniture): 1 per 900 square feet
- Bank, offices, medical clinic: 1 per 300 square feet
- Eating and drinking establishment: 1 per 250 square feet
- Hotel: 1 space per guest room

FINDINGS: Although this standard may be satisfied, parking area calculations have not been provided by the applicant. Documentation of this requirement shall be made as part of this master plan approval.

2.303.08.A Bicycle Parking Bicycle Parking shall be required in all public and semi-public, commercial and industrial development as well as park-and-ride lots. Bicycle parking shall be provided in the following amounts:

- Retail store: 1 per 10 required vehicle parking spaces with a maximum of 6 required
- Service repair center; retail store handling bulky merchandise (e.g. furniture): 1 per 30 required vehicle parking spaces with a maximum of 6 required
- Bank, offices, medical clinic: 1 per 20 required vehicle parking spaces with a maximum of 6 required
- Eating and drinking establishment: 1 per 20 required vehicle parking spaces with a maximum of 6 required
- Hotel: 1 per 40 required vehicle parking spaces

FINDINGS: Except for a description of bicycle parking in the plaza areas, no information has been provided regarding bicycle parking. The applicant shall be expected to meet these standards as part of building permit approval with each individual building. In keeping with the design requirements of the KSP, Bicycle parking facilities shall be interesting, and must consist of more than simple pole structures.

2.303.08.B Bicycle Parking Development Requirements

1. **Space Size.** Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle.
2. **Location.** All bicycle parking areas shall be within 100 feet of a building entrance and located within a well-lit area.
3. **Rack Design.** Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound.
4. **Access.** Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided.

FINDINGS: No information has been provided regarding bicycle parking. The applicant shall be expected to meet these standards as part of building permit approval. In accordance with the design requirements, bicycle parking facilities shall be interesting and shall consist of more than simple pole structures.

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

FINDINGS: Sufficient paved areas and designated loading area are provided on-site throughout the project area in a manner, which is appropriate for the size and character of the buildings and businesses they contain (Sheet AO1).

2.303.11 Parking and Loading Area Development Requirements

- A. Surfacing.** All driveways, parking and loading areas shall have a durable, hard, dust free surface built to Department of Public Works standards.

FINDINGS: Pavement conforming to adopted City of Keizer standards shall be required as part of the building permit process.

B. Parking Spaces

- 1.Dimensions.** Parking spaces shall be a minimum 9 feet wide and 18 feet in length.
- 2.Compact Spaces.** Compact parking spaces, at a reduced width of 8.5 feet, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space."

FINDINGS: The proposal appears to meet these requirements, but without noted dimensions and plan scales of 1"= 60' and 1" = 100', the parking space dimensions must be verified during the building permit review process.

- C. Aisle** The following minimum aisle dimensions shall apply:

- **Without adjacent parking:**
 - b. One-way: 12 feet**
 - c. Two-way: 22 feet**

2. **With adjacent parking:**

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

FINDINGS: The proposal appears to meet these requirements, but without noted dimensions and plan scales of 1" = 60' and 1" = 100', the driveway dimensions must be verified during the building permit review process. Due to the high volume of traffic, aisle width in parking areas shall be increased to the industry design standards of 24 feet.

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

FINDINGS: The only residential zoning is on the west side of the railroad tracks. Almost all of the parking proposed will be located internally or along I-5. Some parking is provided on the west side of Major 1, but is over 100 feet east of any residential properties. In addition, this parking area does have perimeter landscaping.

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

FINDINGS: The residential properties to the west are separated by the railroad right-of-way. The proposed lighting plan demonstrates that the proposed site lighting will not cast any light or glare toward these properties.

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

FINDINGS: The site plan shows that one tree has been supplied in parking areas for every eight parking stalls. Unless necessary to adjust the spacing in order to preserve an existing tree this requirement shall be a strict condition of approval.

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

FINDINGS: The access to and from the various parking lots is controlled and designed to provide suitably spaced street or driveway intersections. This design will provide for safe and efficient traffic flow throughout the site. ODOT is reviewing the proposed plans.

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

FINDINGS: The entrances all appear to have adequate vision clearance. The specific location and mature size of the plants listed in the preliminary landscaping plan could potentially interfere with vision clearance. The final choice of landscaping materials during the building permit approval stage should be made so that minimal maintenance will be necessary to maintain adequate site distance.

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

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

SECTION 2.305 TRANSIT

2.305.01 Location Requirements

A. Siting Requirements. The location of transit facilities shall be based upon the size and trip generation potential of major new development adjacent to a transit street. Section 2.305.02 outlines the maximum transit facilities that may be required by the City. Determination of specific requirements will be made on a case by case basis for each development by evaluation the following factors:

- 1. Expected transit ridership generated by a development.**
- 2. The level of existing or planned transit service adjacent to the development. Planned transit service is defined as service that is planned to be established within five years after the completion of development according to the latest officially adopted transit plan by the Transit District.**
- 3. The location of existing facilities.**

4. The proximity of other transit ridership generators.

FINDINGS: The applicant shall work with the Transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district.

2.305.02 Design Requirements

Retail /industrial/institutional peak hour traffic trips of more than 200 require a concrete boarding pad and transit turnout.

FINDINGS: The applicant shall work with the transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district.

SECTION 2.306 - STORM DRAINAGE

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

- 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;**
- 2. Protect development from flood hazards;**
- 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;**
- 4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading;**
- 5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;**
- 6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;**
- 7. Avoid placement of surface detention or retention facilities in road rights-of-way.**

FINDINGS: The developer has submitted plans indicating the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge.

Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces. Where on-site detention is planned, adequate covenant, conditions and restrictions (CCR) shall be recorded to alert future owners/developers that detention and/or treatment shall be required to be constructed to the standards in effect at the time of building permit application.

A grading and drainage plan shall be developed for the subject property including proposed lot corner elevations. Details shall include adequate conveyance of storm water from adjacent property across the subject property.

The developer shall submit to the Department of Public Works a master plan for erosion control for the entire site. The master plan shall be approved by the Department of Public Works. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality.

The applicant submitted a preliminary storm drainage plan along with the master plan application. The Public Works Department reviewed the drainage plan and their comments are included in the *Conditions* section.

SECTION 2.307 UTILITY LINES AND FACILITIES:

2.307.02 Standards

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

FINDINGS: It is a development requirement that the applicant locate, design, install and maintain all utility lines and facilities with the minimum feasible disturbance to soil and site and shall comply with best management practices for erosion control and vegetation protection.

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

FINDINGS: The applicant submitted a master water system plan showing proposed routes of public water mains, fire hydrants and individual services. Prior to submittal of final construction plans the applicant's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines located outside of proposed right of ways. Final location of all meters shall be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNSF right of way, and any other off-site construction required to provide required peak flows to the proposed 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. Dedication of property to the City shall be required for any wells or storage facilities developed. 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 Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer. The Public Works Department reviewed the master water system plan and their comments are included in the *Conditions* section, (Exhibit E)..

- C. Private Utilities. All development that has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.**

FINDINGS: It is a development requirement that the electricity, gas and communications services shall be installed pursuant to the requirements of the district or company serving the development.

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

FINDINGS: The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre prior to platting of the subdivision. The acreage fee applied will be the fee in place at the time of development of the property. The Master Sewer Plan provides for a sewer trunk line to be constructed through the subject property with adequate size and depth to provide for additional capacity for areas located within the original sewer district west of the BNSF railroad. Additionally, Area D, south of Chemawa Road shall be served with a sewer trunk line to be constructed along with the proposed under crossing of Chemawa Road. A review of the construction plans for the subject property will be required to assure that capacity of the master plan sewer trunk lines is not exceeded. The Public Works Department comments include specific conditions of approval related to sanitary sewers.

- E. **Street Lights.** When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.

FINDINGS: A street lighting master plan has been proposed. A street lighting district shall be created while under the control of the developer to provide for adequate street lights along the frontage of all new street rights of way. Decorative lighting approved by the Department of Community Development which meets street standards requirements shall be used.

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

FINDINGS: All easements shall be located in the appropriate locations based on actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations.

SECTION 2.308 SIGNS

2.308.08.B. Commercial and Industrial Signs, Integrated Business Centers:

1. **Total allowed area.** For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C.

FINDINGS: The proposal demonstrates compliance with all requirements of the sign code with regard to wall, canopy and projecting signs, and has indicated that there will be additional consistency standards implemented as private lease/sale agreements which would be above the requirements of the sign code.

2. **Free-standing Sign.** For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front.

FINDINGS: The applicant is proposing to seek a variance which would allow a sign in excess of 100 square feet, which will be addressed as part of the sign variance.

3. Maximum sign height:

**Wall and canopy signs shall not project above the parapet or roof eaves.
Free-standing signs: 20 feet.**

FINDINGS: The applicant is proposing to place a sign in excess of 20 feet which will be addressed with the sign variance information in this report.

4. Location:

a. Wall or projecting signs may project up to 2 feet from the building.

FINDINGS: The applicant is proposing to comply with these requirements.

b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

FINDINGS: The proposal indicates compliance with these requirements for free standing signs.

2.309 SITE AND LANDSCAPING DESIGN

2.309.03 Minimum Area Requirements. Landscaped areas may include landscaping around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The following area requirements shall be the minimum areas devoted to landscaping:

A minimum of 10% of the gross land area shall be devoted to landscaping in commercial developments.

FINDINGS: Although it appears that this criterion is satisfied, landscaped area calculations have not been provided by the applicant. Documentation of this requirement shall be made as part of this master plan approval.

2.309.05 Screening and Buffering

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

1. **Commercial and industrial uses when abutting residential uses.**
2. **Industrial uses when abutting commercial uses.**
3. **Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)**
4. **Outdoor storage areas.**
5. **Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.**
6. **At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.**

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

FINDINGS: The preliminary landscaping plan (Sheets LO1-4) indicates that screening will be provided along the western side of the project utilizing landscaped areas and trees. The width of the landscaped areas along with the density of the trees will provide sufficient screening for the residents on the west side of the railroad. Additional screening, through a sight and sound obscuring fence shall be provided between the residential properties and Area B of the Keizer Station Plan.

Service areas within the development are proposed to be screened with vegetation and fencing. No outdoor storage areas are proposed. The plans are not sufficiently detailed to show electrical and mechanical equipment. Parking areas are all surrounded by landscaping consisting of ground cover, shrubs, and trees. The specific screening details will need to be reviewed and approved during the building permit process.

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

1. **Planting Area: Width not less than 15 feet, planted with the following materials:**
 - a. **At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.**

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

FINDINGS: Buffering is proposed along the western edge of the project, which is across the railroad tracks from the residences on the other side. The preliminary landscaping plan (Sheets LOI-4) is consistent with the "planting area" option noted above because it provides a continuous landscaped area with ground cover and trees.

2.309.06 Planting and Maintenance

- A. **Planting Height.** No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance.

FINDINGS: As noted above, the specific types of plants near driveway and street intersections must be reviewed in more detail during the building permit stage to ensure compliance with the standard.

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

FINDINGS: Based upon the plant list proposed by the applicant, this problem is not anticipated. Street trees will be pruned to comply with this requirement.

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

FINDINGS: Utilities are to be placed underground. No conflicts are foreseen between the preliminary landscaping plan and the utility plan.

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

FINDINGS: The preliminary landscaping plan includes typical planting details for trees. This will be monitored as part of the building permit approval process.

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

FINDINGS: The plants proposed in the preliminary landscaping plan appear to be appropriate, given the conditions of the site. Although the proposed trees meet the minimum caliper prescribed in the KDC, trees of this size are susceptible to damage and vandalism. Those trees located in areas susceptible to damage such as along street and walkways should be increased in size to ensure survivability.

F. Deciduous Trees. Deciduous trees should be fully branched, have a minimum caliper of 1 1/4 inches, and a minimum height of 8 feet at the time of planting.

FINDINGS: As noted above, the preliminary landscaping plan calls for trees of this size, however, trees this small are easily damaged. Trees located along streets and pathways should be increased in size.

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

FINDINGS: This shall be a requirement of the Master Plan approval.

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

FINDINGS: This shall be a requirement of the Master Plan approval. Additionally, the shrub plant materials shall be planted at a spacing necessary to achieve the landscape design objectives within five years of growth.

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

FINDINGS: The applicant proposes ground cover spacing of 24" on center. While this may be appropriate for some species, the spacing should more appropriately be indicated as that which is needed for whatever species of ground cover is proposed, to reach full coverage by the third year of growth, in accordance with nursery standards.

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

FINDINGS: An irrigation system is proposed for the entire development. Irrigation plans will be reviewed and approved as part of the building permit review process.

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

FINDINGS: This will be done as necessary if any of the plants die.

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

FINDINGS: This shall be expected by the city.

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

FINDINGS: The preliminary landscaping plan appears to have the landscaped areas well-protected. This will need to be confirmed when the final landscaping plans are submitted for approval as part of the building permit process.

SECTION 2.315 DEVELOPMENT STANDARDS

2.315.08.A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks.

- 1. Connection Required.** The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets, and nearby transit stops.

FINDINGS: Generally, sidewalks are provided to allow safe and relatively convenient pedestrian access throughout the site. However, as mentioned earlier in this report, improvements to this system must be made in two areas. The first is the location and orientation of some of the buildings along Radiant Drive. The sheer distance between buildings and uses will act to significantly discourage walking. Modifications to the site plan must bring uses, such as the hotel, restaurants, retail pads, parks, office building and plazas closer together and with an orientation to Radiant Drive. These requirements are set forth on p.8 This would promote walking because the distances would be more manageable, and this area would also function as a more active pedestrian center for Keizer Station Village Center.

Second, several additional walkway connections should be provided. The following pedestrian connections should also be provided in addition to what is shown on the Pedestrian Pathways Plan (Sheet AO3):

- A crosswalk and easterly extension of the sidewalk on Radiant Drive across Road B to the driveway near Anchor B.
 - A crosswalk for the perimeter pathway at Road B.
 - A sidewalk connection between the Chemawa Road/I-5 interchange and the Road B sidewalk.
 - Walkway connections between the buildings on the east side of the site with the perimeter walkway along I-5.
 - Walkway connection between the Radiant Drive walkway and the front of Anchor A.
 - Walkway connections between restaurant and retail pads and the adjacent street sidewalks, such as Pads B, E and F, the hotel, the office building, Anchor B, and Majors 5 and 6.
 - Walkway connection between Anchor 1 and Anchor A.
- 2. Walkway Location and Design.** Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements.

FINDINGS: While transit service is ultimately anticipated, route locations and stops have not been established. Clustering uses near the streets, as required above, will facilitate future transit use by creating more activity and easier pedestrian access.

- 3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage.**

FINDINGS: Majors 5 and 6 on Road A and the hotel do not meet this criterion. Majors 5 and 6 have an extensive frontage on Road A with little pedestrian accommodation. Improved pedestrian access must be provided from these buildings to Road A. The hotel is relatively isolated from the street and other uses by its location in the middle of a site surrounded by parking. The hotel is recommended to be moved closer to the street, the park, and other complementary uses, such as restaurants. A walkway from the hotel entrance shall connect to the street sidewalk and park (in addition to the perimeter walkway as mentioned above).

- 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method.**

FINDINGS: The driveways all appear to meet this standard except for the driveway associated with Anchor B at Road A. Pedestrian crossings at streets, driveways and parking areas shall be constructed with a different paving material and texture. .

- 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers.**

FINDINGS: The general lighting proposed for the site will provide appropriate illumination for the development. Special attention is required to provide safety at the pedestrian undercrossing located at Tepper and the Railroad. Security lighting shall be provided which provides secure illumination of the undercrossing, while being directed away from the residential areas that are adjacent.

- 6. Walkway Coverage.**
 - a. Any portion of a walkway located within three feet of a building frontageshall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet.**

- b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet.**

FINDINGS: The design concepts for some of the buildings are provided on Sheets AO7-9. These comply with this criterion. Compliance with this standard must be confirmed during the building permit review.

- 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet.**

FINDINGS: At scales of 1" = 60' or 1" = 100', this is difficult to determine, but the preliminary plans appear to be consistent with this criterion. All sidewalks within the Keizer Station Village Center are intended to serve multiple use destinations for pedestrians. In order to be consistent with the standards set in the Development Standards for walkway design all sidewalks shall be a minimum of eight feet.

- 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code.**

FINDINGS: This will be evaluated during building permit review.

- 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified.**

FINDINGS: The pedestrian connections shall be improved as noted above. In order to meet the criterion, improved pedestrian connection leading between the center of this project and the baseball stadium to the north is required. This would support the objective of the Keizer Station Plan to "provide a gateway to sports activities". Additional amenities shall be required to support the pedestrian uses such as seating, public art and other points of interest.

- 10. The building permit application or Development Standards Alternative application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible or proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process.**

FINDINGS: This will be performed as part of building permit review.

2.315.08.B. Building Design

1. Ground floor windows

- b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings.**

FINDINGS: Conceptual elevations (Sheets AO7-9) for several of the proposed buildings appear to meet this standard, but compliance will need to be confirmed during permit review.

2. Building facades

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served.**

FINDINGS: The concept drawings and plans comply with this criterion, and compliance will need to be confirmed during the building permit review. Specific conditions shall be addressed later in this report to ensure that the proposed design and massing of the buildings are established as a requirement.

- 3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit.**

FINDINGS: The concept drawings and plans indicate compliance with this criterion, and compliance will need to be confirmed during the building permit review.

4. Materials and Texture

- a. Building Materials.**

1. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding.
2. Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal.
3. Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials.

FINDINGS: The concept drawings and plans indicate compliance with this criterion, and which will be confirmed during the building permit review.

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

FINDINGS: The concept drawings and plans indicate compliance with this criterion, and compliance will need to be confirmed during the building permit review.

- c. **Roofing Material.** Any roofing material is allowed including metal roofs.

FINDINGS: The concept drawings and plans indicate compliance with this criterion, and compliance will need to be confirmed during the building permit review.

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

FINDINGS: The concept drawings and plans indicate compliance with this criterion, and compliance will need to be confirmed during the building permit review.

SECTION 2.419 SERVICE STATIONS

Where permitted as a special use, gasoline service stations shall meet the following use and development standards.

- A. Lot area and dimensions. Minimum lot size 10,000 square feet, minimum of 100 feet of street frontage for an interior lot and minimum of 120 feet of frontage on each street abutting a corner lot.

FINDINGS: The application complies with this requirement.

- B. Yard Exceptions for Service Stations.** Free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance.

FINDINGS: The pumps and islands are proposed to be in an interior portion of the service station site.

- C. Gasoline Pumps.** Gasoline pumps and pump islands shall not be located so that any part of a vehicle being served will extend into any public right-of-way, alley or private drive used for access or egress. Further, gasoline pumps or pump islands shall not be built within 10 feet of a property line.

FINDINGS: The pumps and islands are proposed to be in an interior portion of the service station site, and this criterion is met.

- D. Screening.** The property shall be screened from every abutting residential zone or use by a sight-obscuring fence, wall, or hedge.

FINDINGS: As noted above, this entire development is well screened from the residential neighborhoods located on the west side of the railroad.

- E. Lighting.** Outdoor lighting shall be directed away from residential property.

FINDINGS: As noted above, the lighting plan demonstrates that light and glare will not go beyond the boundaries of the development. In addition, the railroad right-of-way provides additional distance for any light to dissipate before reaching residences.

SECTION 2.420 AUTOMOTIVE SERVICES

Where permitted as a special use, automotive services are subject to the following development requirements.

- A. **Outdoor Storage.** Outdoor storage of material, parts and equipment shall be prohibited.

FINDINGS: No outdoor storage areas are proposed.

- B. **Screening.** The property shall be screened from every abutting residential zone or use by a 6 foot sight-obscuring fence or wall.

FINDINGS: The automotive services are not adjacent to the residential area, being separated by the Railroad and Road A.

KEIZER STATION PLAN DESIGN STANDARDS

- A. **Development Standards:** KDC Section 2.315 *Development Standards* requires new development to apply for Development Review and to comply with standards identified in KDC Section 2.315.08 as part of the building permit approval process. These standards are intended to be objective and to serve as a guide to designers of developments. A building permit shall be issued when the proposal:

1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

FINDINGS: These standards shall be addressed in the building permit approval process and will be binding on all structures. In addition, the Master Plan process allows flexibility for the city to apply more stringent requirements than those found within this section.

- B. **Additional Design Standards:** Development throughout Area A – Village Center will also be controlled by a set of design standards aimed at establishing an environment that promotes a coordinated approach to developing the entire 95 acres. The intent is to establish design standards in addition to the standards identified in KDC Section 2.315 that will guide future development in a manner that will achieve the development objectives for Area A – Village Center. The following Design Standards shall also apply to new development in Area A – Village Center area as part of the Master Plan approval process:

1. Gateway. In order to achieve the objective of making Area A – Village a gateway to Keizer, a gateway feature visible from I-5 shall be provided.

FINDINGS: This will be achieved by the proposed landscaping on the perimeter of the site and the "Welcome to Keizer" monument sign located near the Chemawa interchange.

2. **Weather protection.** Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrance(s). Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

FINDINGS: The building concepts presented for Majors 2 through 7 and Retail 2 and 3 (Sheets AO7-9) show that the applicant intends to provide these amenities. This will need to be confirmed during the building permit review process along with confirmation for all other buildings.

3. **Landscaping.** All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (2/03)

"Landscaped Area" must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably requires and continues to reasonably require human management to distinguish the area from a natural area. (2/03)

Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or streetscaped area within the right-of-way to be included within the minimum landscape area requirement.

FINDINGS: The application shows a variety of significant areas that are landscaped and includes such things as a water feature at the intersection of Road A and Road B. Other features, which are not shown, but which will be a condition of approval will include other structural features such as benches, trellises, screen walls and outdoor art.

4. **Streetscaping.** Streetscaping is defined as pedestrian oriented improvements to property outdoors. Streetscaping may include, but not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (2/03)

- (a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscaped areas may be included in the minimum landscape area for a proposed development.

FINDINGS: In keeping with the intent of the overall design of the Village Center, special attention is required for the pedestrian circulation system. The application shows that pedestrian crossings at streets and parking areas are distinguished from vehicular traffic with the use of distinct patterns and different materials such as colored and patterned concrete at those crossing areas. This will be a condition of the Master Plan approval.

KEIZER STATION PLAN TRANSPORTATION SYSTEM

- A. Streetscape.** Radiant Drive is relocated to bisect Area A – Village Center and will provide a landscaped entry as well as providing a direct connection into Area A – Village Center. The design of Radiant Drive and internal streets shall include landscape features identified in KDC Section 2.119.10.A.4

FINDINGS: The area along the new location of Radiant Drive as well as the entry of the Keizer Station Plan at Lockhaven shall be landscaped according to these requirements, and shall be made a condition of approval.

- B. Access.** Access from Radiant Drive to adjoining property shall be controlled. The intent of Radiant Drive is to provide efficient through traffic. Signalized access connections will be located at least 600 feet apart, except where approved by the City Traffic Engineer. Additional access connections on Radiant Drive should be limited and designed to maximize the flow of traffic. All internal signalized intersections on Radiant Drive will operate at a V/C standard of 0.87 or better.

FINDINGS: Traffic signals on Radiant at Roads A and B are slightly less than 600 feet, however, this design has been approved by the City Traffic Engineer. Non signalized access is limited and available evidence indicates that the volume-to-capacity ratio is met.

C. Pedestrian circulation:

1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Parking areas;
 - c. Shared open spaces and play areas;
 - d. Abutting transit stops;
 - e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
 - f. Adjacent buildings.

FINDINGS: As discussed previously in this report, there are two related issues. One relates to providing the appropriate walkways for safe and convenient pedestrian connections. With the amendments to the walkway system listed in the conditions of approval, this pedestrian circulation issue will be addressed. The second issue is locating and orienting destinations (hotel, restaurants, retail, public spaces) to reduce walking distances. Clustering these activity areas along Radiant Drive would do much to improve the pedestrian “friendliness” of Keizer Station Village Center. By adjusting the building envelope locations, this can be accomplished.

2. **There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.**

FINDINGS: This criterion is satisfied with the modifications noted in the conditions of approval.

KEIZER STATION PLAN UTILITIES

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. **All utilities located adjacent to Radiant Drive and connecting transportation facilities shall be located underground.**
- B. **All other new utility connections and lines shall be located underground where practicable.**

FINDINGS: Utilities are proposed to be underground. This will be assured through the building permit and other permit review requirements.

KEIZER STATION PLAN PARKING

Parking standards for Area A – Village Center shall follow the standards located in the corresponding base zone as well as Off-Street parking and Loading – Section 2.302. In addition to these standards, the following shall also apply:

- A. **Location of parking – If the building is located within 20 feet of the Radiant Drive right-of-way, there shall be no parking or maneuvering between the building and the right-of-way.**

FINDINGS: All of the buildings shown on the plans comply with this criterion.

KEIZER STATION PLAN LANDSCAPE

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standards shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of the Village Center along I-5 with the request for master plan approval.**
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A - Village Center without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.**

Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

FINDINGS: A preliminary landscaping plan (Sheets L01-L04) has been provided indicating a comprehensive landscaping concept for the entire site, including the frontage along I-5 and Chemawa Road. As noted herein, landscaping plan details will be refined during the building permit review process. A tree inventory has been submitted by the applicant, which shows the majority of the existing trees cannot be saved due to the extensive change this proposal means for the property. The City Council finds the extent of the tree removal justified, and that rather than modifying the proposal to save a few more trees, it will be more productive to focus on the quality of the new trees to be planted. This is why an increase of the caliper for the new trees from 1 ¼ inches to 2 inches is recommended.

SECTION 3.113.04.C DEVELOPMENT STRATEGIES FOR AREA A – VILLAGE CENTER

1. Pedestrian Access, Safety and Comfort

- a. To ensure safe, direct, and convenient pedestrian circulation, development in the EG zone, shall provide a continuous pedestrian and/or multi-use path system.
- b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible.
- c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas.

- d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
- e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale.
- f. For driveways that service more than 100 parking spaces, such driveway intersections with Radiant Drive shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code.
- g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.

FINDINGS: With the recommended conditions of approval, these criteria are met.

2. Vehicular Movement

- a. Encourage traffic to enter and exit the development at locations other than Tepper Lane.

FINDINGS: With the closure of Tepper Lane to vehicular traffic as a condition of the railroad to allow the new Radiant Drive underpass, this criterion will be satisfied.

3. Crime Prevention and Security

Crime prevention shall be considered in the site design through application of all of the following guidelines:

- a. **Territoriality** – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and
- b. **Natural Surveillance** – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as

- necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and
- c. **Activity Support** – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
 - d. **Access Control** – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or
 - e. **The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.**

FINDINGS: The proposed plan is generally consistent with the above criteria. As discussed above, clustering uses to a greater degree along Radiant Drive and providing additional pedestrian connections as noted is required.

Regarding the natural surveillance issue, the proposed park locations are poorly integrated and significantly removed from the surrounding activities. The park and plaza along the central I-5 frontage is adjacent to Radiant Drive, parking lots, and the I-5 right-of-way. Because this area will be created around an existing wetland, it obviously cannot be moved. However, the opportunity clearly exists to shift building and parking lot locations around the park plaza to make the park an easily accessible amenity.

The open space in the far northeast corner of the property identified as Tower Park is completely isolated from other activities proposed here and the ballpark to the north. It is recommended that this area be used for parking, landscaping or other amenities to the development and the open space trails system be improved to a more significant level and which is more easily accessible to and integrated with the other activity area in the development.

4. Reduced Parking

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

FINDINGS: The parking requirements must be met and calculations must be provided as part of the Master Plan approval. The applicant has not requested a reduction or waiver.

5. Creating and Protecting Public Spaces

- a. **The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping.**
- b. **Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council.**

FINDINGS: The applicant is proposing an appropriate amount of public spaces and park, however, the staff recommends amending the site plan to better integrate the two parks along I-5 with the rest of the development to enhance their value as amenities and to create more defensible and crime-free areas.

6. Human Scaled Building Design

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

FINDINGS: The proposal indicates typical elevations which are varied in texture, building materials and showing an attractive human scale in blocking and human scale design elements. The plan shows no more than fifteen feet between varied vertical elements and building materials, an average height of 23 feet punctuated frequently with various architectural accents no greater than 22 feet in width and no higher than 28 feet to the eave line. The plan shows a variety of roof lines and that a variety of materials are intended to be used which are indicated in the submitted materials, which shows cultured stone, five varieties of split face Concrete Mortar Units (CMU), as well as smooth faced CMU walls. The colors indicate compliance with the Development Standards. These details shall be made part of the conditions of the Master Plan Approval.

7. **The Village within Area A shall contain a public improvement design to include a promenade/sidewalk design that may vary in width to meet a minimum width of 8 feet on both sides of Radiant Drive. The promenade/sidewalk shall be separated from the street with a landscape belt, to include decorative lighting and trees.**

FINDINGS: The walkway facilities along Radiant Drive are generally consistent with this criterion. An extension of this walkway beyond Road B is noted above. Design constraints have led to a walkway on one side of Radiant Drive under the railroad and Road B. To enhance Radiant Drive as a primary pedestrian entry into Keizer Station Village Center, the staff recommends that the city and developer work together to provide design amenities to enhance the aesthetic appearance and pedestrian functionality of the two underpasses. Finish materials,

landscaping, and lighting of these underpasses Should all contribute in this regard. Finish materials shall be consistent with that of the buildings in the Village Center.

VI. FINDINGS - SUBDIVISION

Introduction

Normally, a subdivision is subject to a Type II procedure (KDC 3.101.02), which includes a quasi-judicial review by the Hearings Officer. However, Keizer Development Code provides that the Master Plan process includes subdivision and partitions. Therefore, this matter is properly before the Council as a Type II-B action.

The criteria that apply to a subdivision include lot size and orientation, provision of utilities, and circulation details. The subdivision application provides the information required by the KDC.

The applicant is proposing to divide the 95.7 acres into 15 developable lots and 3 open space tracts as follows:

Lot number	Area	Proposed buildings within lot	Proposed uses within lot
1	1.99 acres	Pad E, Pad G	Commercial
2	3.86 acres	Pad B, Pad F, Pad H, Pad I	Industrial
3	5.99 acres	Pad A, Shops A, Shops B	Commercial
4	.75 acres	Pad A	Commercial
5	11.80 acres	Anchor 1	Commercial
6	16.24 acres	Major 1, Major 2, Major 3, Major 4, Anchor 2	Commercial
7	1.29 acres	Retail 1	Industrial (Flex)
8	1.84 acres	Retail 2, Retail 3	Commercial
9	10.39 acres	Anchor 3	Commercial
10	1.0 acres	Restaurant 1	Industrial
11	6.91 acres	Major 5, Major 6, Major 7	Commercial
12	7.88 acres	Hotel, Restaurant 5, Restaurant 4, Restaurant 2, Restaurant 3, Retail 4, Retail 5	Industrial (w/flex space)
13	2.97 acres	Anchor B, Shops C, Pad C	Commercial
14	5.60 acres	Pad D, Commercial Office Building	Industrial
Tract A	1.25 acres	Central Park	
Tract B	1.05 acres	Open Space	
Tract C	1.58 acres	Open space	

Findings

- A. The Review Criteria for a Subdivision is listed in Section 3.108.04 of the Keizer Development Code. The criteria and findings are listed below:

3.108.04.A The proposal shall comply with the applicable development standards in Section 2.405 and Section 2.3 as appropriate, including provisions for streets and utilities.

Section 2.405 contains development standards for manufactured home parks and are therefore, not applicable in this situation. Section 2.3 of the Keizer Development Code contains the policies and standards, which guide all development approvals within the City of Keizer. Listed below are only the applicable development standards contained in Section 2.3, which are pertinent to subdivision approval:

Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Storm Drainage
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions

FINDINGS: Consistency with the above KDC sections is addressed in the earlier section related to the standards under the EG zone for the Keizer Station Plan, with the exception of requirements in Section 2.310 specifically related to subdivisions. These requirements are addressed below.

SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS

- B. **Minimum lot area.** Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

FINDINGS: Section 2.119.09 specifies the dimensional requirements for lots within the EG zone. For commercial lots, at least 80% must have a minimum lot size of 20,000 square feet, with a minimum average width and depth of 100 feet. The remainder 20% must have a minimum lot size of 10,000 square feet, with a minimum average width and depth of 75 feet. Of the seven lots that have exclusively commercial uses, all are over 20,000 square feet in size and all have average width and depths of over 100 feet. The commercial uses meet the code criteria.

For industrial lots, at least 80% must have a minimum lot size of 3 acres, with a minimum average width and depth of 350 feet. The remainder 20% must have a minimum lot size of one acre, with a minimum average width and depth of 150 feet.

C. **Lot width and depth.** The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions:

1. **Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet of semi-private outdoor living space for each unit.**
2. **Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width.**
3. **Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.**

FINDINGS: The depth of each lot averages less than three times the width of each lot. This criterion is met.

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

FINDINGS: All lots provide a minimum street frontage.

E. **Lot Lines.** The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line.

FINDINGS: The side lines of the lots run at right angles to the right-of-way lines upon which the lots face for almost all of the lots. The one exception is the side lines of lots 5 and 6 which follows the driveway. The rear lot lines are not less than 1/2 the dimension of the front lot line in any case. This criterion has been met.

F. **Utility Easements.** Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code.

FINDINGS: Section 2.302.04 states that utility easements shall be between five and 10 feet adjacent to the right of way. The width may be increased as determined by the Department of Public Works on a case by case basis. The width of the utility easements range from 15 feet to 50 feet within each lot, based on the preliminary plat provided by the applicant. The Department of Public Works comments state that "all easements to be located in the appropriate locations based on

actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations.”

2.310.04 Additional Design Standards For Subdivisions

A. Standards for Blocks

- 1. General:** The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.
- 2. Sizes:** Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

FINDINGS: The realignment of Radiant Drive and the construction of the three new roads will be to arterial standards in terms of structural section and geometric configuration. The distance between the intersections is more than 600 feet and less than 1,800 feet. The blocks have been laid out to provide adequate building sites for the proposed uses, convenient access and circulation, and safety of traffic signals. Multiple entrances off the streets are provided within each block to serve the various uses proposed. These entrances are adequately spaced to provide convenient access and circulation. Entrances into the blocks are located away from street intersections and should not provide conflicts with the intersections.

- B. Traffic Circulation.** The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within ¼ mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302.B and Section 2.315.08A.1. The criterion has been met with conditions.

- C. Connectivity.** To achieve the objective in B., above, the Director may require the following:

1. **Stub Streets:** Where the potential exists for additional residential development on adjacent property.
2. **Pedestrian/Bicycle Accessways:** Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.315.08A.1 and Section 2.315.08.A.9. The criterion has been met with conditions.

D. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards:

1. **Minimum dedicated width: 10 feet**
2. **Minimum improved width: 10 feet**
3. **Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required.**
4. **Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision.**
5. **The accessway shall be designed to prohibit vehicle traffic.**

FINDINGS: At scales of 1" = 100', this is difficult to determine, but the pathway along Interstate 5 and along Radiant Drive appear to be consistent with the criterion. The pathway along Interstate 5 appears to be 12 feet wide and the bike and pedestrian access along Radiant Drive appear to be 18 feet wide. The pathway running through Chemawa Park connecting Chemawa Road and Road A to Road B appears to be 8 feet. This pathway should be increased to be 12 feet wide, consistent with the pathway along Interstate 5. The pathways shall be designed to prohibit vehicle traffic and shall include lighting.

2.310.06 - Improvement Requirements - Subdivisions

- A. **Frontage Improvements.** Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.303 of this Code. Such improvements shall be designed to match with

existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302.A. The criterion has been met with conditions.

B. Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302. The criterion has been met with conditions.

C. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

FINDINGS: This is a development requirements and a condition of subdivision approval.

D. Bench Marks Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

FINDINGS: This is a development requirements and a condition of subdivision approval.

E. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.306. The criterion has been met with conditions.

F. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.307.02.D. The criterion has been met with conditions.

G. Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.307.02.B. The criterion has been met with conditions.

H. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision.

FINDINGS: Sidewalks are proposed along both sides of Radiant Drive, Road A, Road B, and Road C. Tepper Lane is recommended by the Public Works Department to be constructed as a ¼ width street and therefore is proposed to have sidewalks on one side of the street only. However, separated bicycle and pedestrian lanes are required as stated on page 14 (Future Extension of Streets) of these findings. Additional sidewalks are proposed as conditions of approval as noted in Section III, Keizer Station Master Plan, findings for Section 2.315.08.A.

I. Street Lights. The installation of street lights is required at locations determined to be appropriate by the City and shall be of a type required by City standards.

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.307.02.E. The criterion has been met with conditions.

J. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.

FINDINGS: This is a condition of subdivision approval. No building permits will be issued until all required street signs are installed.

K. Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.

FINDINGS: This is a condition of subdivision approval. Public Works comments are included under *Recommendations and Conditions* of the Keizer Station Master Plan section of this staff report. These comments are applicable to the subdivision application.

L. Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards.

FINDINGS: All curb cuts and driveway installations shall be constructed according to City standards.

M. Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03 (M).

FINDINGS: This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302.M. The criterion has been met with conditions.

N. Grading and Fills. All grading which results in fill in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.

FINDINGS: This is a development requirement and a condition of subdivision approval.

SECTION 3.108.04.B Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved.

Section 2.119.9 of the Keizer Development Code contains the dimensional standards and density standard for the EG zone.

FINDINGS: Consistency with KDC Section 2.119.9 is addressed in Section III, Keizer Station Master Plan, findings for section 2.119 and this section, findings for section 2.310.

SECTION 3.108.04.C Adequate public facilities shall be available and shall serve the existing and newly created parcels.

FINDINGS: Public sewer and water are available and will be extended to serve the subdivision. Section 2.301.03 requires the following public facilities to be provided: fire hydrants, street improvements, water hook-up, sewer hook-up, storm drain, and street lights. No development permit, including building permit, shall be approved or issued unless the improvements are provided prior to occupancy or operation.

1. FINDINGS - MAJOR VARIANCE

A. The Review Criteria for a Major Variance is listed in Section 3.105.05 of the Keizer Development Code. The criteria and findings are listed below.

1. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The subject property is zoned EG. In general, the surrounding uses are commercial/retail. The placement of restaurants and most office type uses are permitted within the EG zone. The setback requirements for Industrial Uses within the EG zone are to provide for and ensure compatibility with adjacent uses, provide areas for outdoor storages, incidental sales,

and access for the transport of bulk materials where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. The applicant is requesting to reduce the maximum setback for industrial uses to approximately 12 to 14 feet for "Pad A and C", and "Rest 1, 2, 4 and 5". In addition, an increase is requested to the minimum ten foot setback for commercial uses to approximately 31 to 33 feet for "Shops A" and "Anchor B".

MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 AND 5":

The surrounding uses are commercial/retail in general. The uses proposed on the subject properties are permitted within the IG zone, however they are more commercial related than industrial. Normally, the access requirements for industrial type uses are greater than those required for commercial/retail uses. However, many permitted industrial uses are also found within the permitted commercial/retail uses whose access and storage requirements are not as great as the majority of industrial uses. This is the case within this area as the proposed use for these building pads is for restaurants. Therefore, the setback requirements do not meet the needs of the proposed businesses. The variance is the minimum necessary for this use. This criterion is met.

MAJOR VARIANCE FOR "SHOP A":

The applicant's statement indicates that there is an overhead power line easement along the north side of the building. The applicant's subdivision plat shows a 100 foot easement running east and west along the north side of the property. Seventy five feet of the easement is within the right of way leaving an additional twenty-five feet of easement within the parcel containing "Shop A" reducing the building lot frontage by twenty-five feet. Due to this, this criterion is met.

MAJOR VARIANCE FOR "ANCHOR B":

The applicant's statement indicates that the request for a 31 foot setback along the northerly and easterly side of this pad is to accommodate a bank drive thru. This pad is located at a major intersection within "Area A" and does not meet the "pedestrian friendly environment" nor maintain the stated purposes of the Keizer Station Plan. Unlike the previous variance requests, there is no justifiable position for the variance. This criterion is not met.

2. **The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.**

MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 5" AND "SHOP A":

FINDINGS: At staff's request, the right of way was expanded in "Area A" to accommodate future needs as well as maintaining the purpose of the Keizer Station Plan. The applicant states that this requirement is a burden placed upon the applicant and that allowing this variance will provide a more pedestrian friendly appearance. This criterion is met.

MAJOR VARIANCE FOR "ANCHOR B":

FINDINGS: The applicant has not shown why the standard imposes an undue burden, nor has it been shown that it is greater than the impacts the variance would cause. This criterion has not been met.

3. **The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.**

MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 5" AND "SHOP A":

FINDINGS: The surrounding properties are zoned EG which allows a mixture of Commercial and Industrial Uses. The uses proposed are permitted within the EG zone, however they are more retail related than industrial. Since the surrounding areas are being developed as commercial/retail and will have similar setback requirements, the approval of this variance will not be unreasonably detrimental to property or improvements in the neighborhood. The structures will be located outside of any vision clearance areas. Therefore, staff finds this request can satisfy the above criterion.

MAJOR VARIANCE FOR ANCHOR B:

FINDINGS: The intent and purpose of the set back is to give a buffer for aesthetic purposes. The drive-thru proposed for Anchor B will cause the loss of effective buffer. This criterion is not met.

4. **There has not been a previous land use action approved on the basis that variances would not be allowed.**

MAJOR VARIANCE FOR “PAD A AND C”, AND “REST 1, 2, 4 5”AND “SHOP A” AND ANCHOR “B”:

FINDINGS: There are no prior land use actions, which expressly prohibit the granting of this variance. Therefore, the proposed variance can comply with this criterion.

5. **The variance will not significantly affect the health or safety of persons working or residing in the vicinity.**

MAJOR VARIANCE FOR “PAD A AND C”, AND “REST 1, 2, 4 5”AND “SHOPS A”, AND “ANCHOR B”:

FINDINGS: Staff cannot find any significant affects upon the health or safety of persons working or residing in the vicinity if the variance request is granted. This criterion is met.

6. **The variance will be consistent with the intent and purpose of the provision being varied.**

MAJOR VARIANCE FOR “PAD A AND C”, AND “REST 1, 2, 4 5”AND “SHOP A”:

FINDINGS: The intent and purpose for the setback requirements for Industrial Uses within the EG zone is to ensure their compatibility with adjacent uses, to provide areas for outdoor storage, incidental sales, and access for the transport of bulk materials where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. The surrounding uses are commercial/retail in general. The uses proposed are permitted uses within the IG zone; however they are more retail related than industrial. The access requirements are not as great as a majority of industrial uses therefore the setback requirements do not meet the needs of these businesses. Since the surrounding area is being developed as commercial/retail and will have similar setback requirements there will be no adverse impacts. The structure will be located outside any vision clearance areas. Therefore this request can satisfy the above criterion.

XII. FINDINGS – SIGN VARIANCE

- A. The Review Criteria for a sign variance is listed in Section 2.308.10 of the Keizer Development Code. The criteria and findings are listed below:

1. **There are unique circumstances of conditions of the lot, building or traffic pattern such that:**

- a. **The existing sign regulations create an undue hardship;**

- b. **The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and**
- c. **The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.**

FINDINGS: The location of such a major development along the I-5 corridor creates special needs which the limitation of the freestanding signs to 20' in height would reate an undue hardship for visibility at speeds anticipated on the interstate highway. By developing an over-all signage program which limits other freestanding signs throughout the complex the intent of the sign code will be met to provide attractive, visible, and useful signage throughout the complex. By allowing an increase in size and height of a location sign and restricting the freestanding signs elsewhere, compensation for those conditions will achieve the purposes of the sign code.

- 2. **The granting of the variance shall not:**
 - a. **Decrease traffic safety nor detrimentally affect any other identified items of public welfare.**

- a. **Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.**
- b. **Be the result of a self-imposed condition or hardship.**

FINDINGS: The need of height increase along I-5 is comparable to the same needs experienced by the nearby Volcanoes Stadium, as well as the regional mall at the City of Woodburn. In both circumstances, the needs for visibility were thoroughly evaluated and limited in height to 50'. By granting a variance greater than 50' this would create an advantage for this development that is not enjoyed by a neighboring property. Therefore the height should be limited to 50' in height. By granting a variance in height to a maximum of 50' while granting the requested signage area, the applicant would be treated equitably with others.

**CONDITIONS FROM MASTER PLAN/SUBDIVISION/MAJOR VARIANCE CASE
NO 2004-21.**

The Master Plan/Subdivision, remaining Major Variance and Sign Variance requests are GRANTED subject to the following conditions:

PUBLIC WORKS CONDITIONS:

SANITARY SEWERS:

The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre prior to platting of the subdivision. The acreage fee applied will be the fee in place at the time of development of the property. The Master Sewer Plan provides for a sewer trunk line to be constructed through the subject property with adequate size and depth to provide for additional capacity for areas located within the original sewer district west of the BNSF railroad. Additionally, Area D, south of Chemawa Road shall be served with a sewer trunk line to be constructed along with the proposed under crossing of Chemawa Road. A review of the construction plans for the subject property will be required to assure that capacity of the master plan sewer trunk lines is not exceeded. Additionally, the following conditions shall be applied:

1. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the Department of Public Works for review and approval. The plan shall include proposed rim and invert elevations. The entire project shall be served by an existing 18" trunk sewer line adjacent to Keizer Stadium.
2. City of Salem approval for both sewer trunk lines and local sewers is required. Permits from the City of Salem shall be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the 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.
3. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
4. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
5. It will be the responsibility of the developer's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be resolved by the developer prior to issuance of public works construction permits.

WATER SYSTEM:

6. The developer has submitted a master water system plan showing proposed routes of public water mains, fire hydrants and individual services. The master plan is generally acceptable to the Public Works Department, however, prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines located outside of proposed right of ways. Final location of all meters to be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNRR right of way, and any other off-site construction required to provide required peak flows to the proposed 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. Dedication of property to the City shall be required for any wells or storage facilities developed. Any system development charges for water system improvements will be those in place at the time of individual service connections.
7. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.
8. It will be the responsibility of the developer to abandon all existing wells prior to site grading in accordance with the rules of the Oregon State Water Resources Department unless the City has determined that water rights are available in some cases that could be transferred to municipal use by the city.

STORM DRAINAGE IMPROVEMENTS:

9. The developer has submitted plans indicating the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge.
10. Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces. Where on-site detention is planned, adequate covenant, conditions and restrictions (CCR) shall be recorded to alert future

owners/developers that detention and/or treatment shall be required to be constructed to the standards in effect at the time of building permit application.

11. A grading and drainage plan shall be developed and approved for the subject property including proposed lot corner elevations. Details shall include adequate conveyance of storm water from adjacent property across the subject property.
12. If it is anticipated that the property will develop in phases, prior to any development, a phasing plan shall be submitted to indicate how the storm water management will be developed to provide service to each area.
13. The developer shall submit to the Department of Public Works a master plan for erosion control for the entire site and shall provide adequate protection for existing vegetation. The master plan shall be approved by the Department of Public Works. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality.
14. The drainage plan for the project includes a proposed storm drain pump station for a portion of the realigned Radiant Drive. The street section requiring pumping shall be minimized to the fullest extent possible. The Department of Public Works shall determine the criteria for design of the station. The developer's engineer shall provide three sets of an approved operation and maintenance manual for the station including a provision for emergency or standby operation. The developer shall also submit a plan for financing the annual operation and maintenance expense of the station.

TRANSPORTATION:

15. The proposed development requires construction of an underpass under the BNRR as well as an underpass of Chemawa Road. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements include but are not limited to, construction of an extension of Radiant Drive from the BNRR tracks South Westerly through Area B to Lockhaven Drive and continuing to Chemawa Road to a point north of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian undercrossing of the BNRR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area D development, ODOT and the Keizer Community Development Department. The path shall be of Portland Concrete Cement and constructed to a width of 12 feet.
16. All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. Tepper Lane shall be terminated at the Railroad and shall be constructed as a ¼ width street designed to Collector Street standards with an

appropriate turnaround at the west end accommodating emergency vehicles. In addition, Tepper Lane shall have facilities to safely accommodate eastbound and westbound bicycle and pedestrian traffic. The sidewalk on the south side of Tepper Lane should be separated from vehicular traffic. All other streets shall be designed to arterial standards in terms of structural section and geometrical configuration. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed.

17. The developer's engineer shall submit detailed traffic signal plans indicating phasing, recommended inter-ties, materials to be used, etc. to the City of Keizer Department of Public Works for approval prior to construction. All traffic signal plans shall be designed to City of Salem/ODOT Standards where appropriate.

GENERAL:

18. Adequate access shall be provided that meets the needs of Keizer Stadium and the KSP transportation system.
19. A queuing plan for Phase 1 of the Development (assuming 2008 build out of Areas A and D) shall be submitted to the department of Public works for approval prior to Construction Plan Review. This analysis will determine the needed lane configurations.
20. Phase 1 improvements will require the closure of Ridge Drive at Chemawa Road and Chemawa Road at Lockhaven Drive. A suitable connection between Ridge Drive and the intersection at Chemawa Road and McLeod Lane will be required. Figure 17 in the April 2004 final Transportation Impact Analysis indicates a connection suitable to the Department of Public Works. The Department of Public Works will consider other alternative street alignments depending on Area C development patterns.
21. A separate Railroad sensitivity analysis is required for Phase 1 improvements (assuming 2008 build out of Areas A and D) as outlined in the TIA dated April 2004 on page 21.
22. A street lighting master plan shall be developed. A street lighting district shall be created while under the control of the developer to provide for adequate street lights along the frontage of all street rights of way. Decorative lighting approved by the Department of Public Works shall be used.
23. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at 390-7402 for the necessary permit information that is required.

24. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
25. Street opening permits are required for any work within the City right-of-way that is not covered by a Construction Permit.
26. Facility phasing plans shall be approved by Keizer Department of Public Works. Arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works and the City Council.
27. All easements are to be located in the appropriate locations based on actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations.
28. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place prior to construction permits being issued or the final subdivision plat approval.

KSP and KDC COMPLIANCE:

29. Prior to approval of any building permits, the applicant shall submit a phasing plan for Community Development Director approval.
30. The landscaping and pathway improvements along Chemawa Road and I-5 and a "Welcome to Keizer" monument sign in the northwest quadrant of the I-5/Chemawa Road interchange shall be provided as shown in the application or as modified by the conditions of approval. The final landscaping and pathway plans shall be approved by the Community Development Director prior to installation. These landscaping and pathway improvements and the "Welcome to Keizer" sign shall be provided in conjunction with the first building permit approved for the development.
31. The land area devoted to industrial and commercial uses, as required in KDC 2.119 EG Zone shall be met and maintained within Area A - Village Center. The land area calculation shall be based upon the land area of the subdivision lots and the uses occupying them. Commercial and industrial uses shall not jointly occupy a single lot.
32. Except as approved in the variance application, all KDC dimensional requirements for building heights, lots, and setbacks shall be met.
33. Anchor stores 1 and 2 and Major store 1 shall provide a pedestrian crosswalk to cross Road B next to Retail 1. Anchor 3 shall provide a walkway connecting to the perimeter pathway along the I-5 right-of-way.

34. Street names and numbers shall conform to the established standards and procedures in the City. Street names shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names. Due to the significance of this development as a landmark of the City of Keizer, street names shall also receive approval of the City Council.
35. Street trees shall be planted with 30-foot spacing using one or more of 13 identified varieties. A minimum caliper of 2 inches shall be used for street trees and all other trees in areas subject to damage near pathways, walkways and streets. A final street tree planting plan shall be approved by the Community Development Director prior to planting. All the other landscaping standards of the KDC shall be met.
36. Ground cover and shrubbery shall be planted in conformity with the KDC and industry standards as approved by the Community Development Director, and shall reach full coverage by the third year of growth.
37. Parking shall be provided as required by KDC 2.303. Parking driveway aisles shall be a minimum of 24 feet wide. A plan documenting compliance with parking requirements shall be provided as part of the Master Plan approval for the Community Development Director's Master Plan approval. Verification shall be provided during building permit review.
38. Bicycle parking shall be provided as required by KDC 2.303.08. In addition, the bicycle rack design shall provide secure support for bicycles and the ability to lock bicycles securely. The bicycle rack design, installation, and locations shall be approved by the Community Development Director prior to installation.
39. Sufficient paved areas and designated loading areas shall be provided in accordance with KDC 2.303.10.
40. Pavement shall be provided for all driveway, loading, and parking areas as required by KDC 2.303.11.
41. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building in accordance with KDC standards.
42. A minimum of 15% of the gross land area for Commercial uses and 20% for Industrial uses shall be devoted to landscaping in commercial developments. This requirement shall be satisfied for development within each of the individual lots of the proposed subdivision. To provide for adequate vision clearance the landscaping material shall be selected to provide for the maintenance of adequate site distance.
43. Buffering shall be provided along the western edge of the project, in a manner, which is consistent with the proposed preliminary landscaping plan (Sheets LO1-4.). Electric and mechanical equipment shall be screened with vegetation and

fencing. The final landscaping plan shall be approved by the Community Development Director prior to planting.

44. Irrigation system plans shall be submitted for approval as part of the building permit review process. Approved irrigation systems shall be installed prior to issuance of an occupancy permit.
45. The site plan shall be amended to locate the hotel, commercial office building, restaurants, retail pads, parks, and plazas closer together with an orientation to Radiant Drive. Of primary importance will be to locate buildings within 10 to 25 feet of Radiant Drive and to locate active uses adjacent to and buildings oriented toward Central Park (Tract A). Central Park must be adjacent to active areas and/or visually accessible from adjacent buildings. The amended plan shall be approved by the Community Development Director.
46. Tower Park (Tract B) is of virtually no open space value. The applicant shall provide plans for Community Development Director approval to provide off-setting open space, plaza, area, and/or public amenities in more advantageous locations within the development. The amenities to be provided shall include, but not be limited to, seating, pedestrian gathering places, public art, plaza connections, exercise stations, and other points of interest.
47. The following pedestrian connections and improvements shall be provided in addition to what is shown on the Pedestrian Pathways Plan (Sheet AO3) for Community Development Director approval:
 - a. A crosswalk and easterly extension of the sidewalk on Radiant Drive across Road B to the driveway near Anchor B.
 - b. A crosswalk for the perimeter pathway at Road B.
 - c. A sidewalk connection between the Chemawa Road/I-5 interchange and the Road B sidewalk.
 - d. Walkway connections between the buildings on the east side of the site with the perimeter walkway along I-5.
 - e. Walkway connection between the Radiant Drive walkway and the front of Anchor A.
 - f. Walkway connections between restaurant and retail pads and the adjacent street sidewalks, including, but not limited to the hotel, the office building, Anchor B, and Majors 5 and 6. * This condition has been amended. Please see the findings outlining the changes in the staff report.
 - g. Pedestrian crosswalks at streets, driveways and parking lots must be constructed with colored, stamped concrete pavement treatment (or equivalent as approved by the Community Development Director to clearly identify all crosswalks).
 - h. Public amenities shall be installed to support pedestrian uses including those along the multi-use path. The amenities to be provided shall include, but not be limited to, seating, pedestrian gathering places, public art, plaza connections, exercise stations, and other points of interest.
 - i. Walkway connection between Anchor 1 and Anchor A.

48. The Village within Area A shall contain a public improvement design to include a promenade/sidewalk design that meets a minimum sidewalk width of 8 feet. The promenade/sidewalk design may vary in width to meet a minimum width of 8 feet on both sides of Radiant Drive. The area of Radiant Drive which is depressed below grade shall be installed with the sidewalk on one side only. All promenade/sidewalks shall be separated from the street with a landscape belt, to include decorative lighting and trees.
49. Majors 5 and 6 shall provide improved pedestrian access to Road A in accordance with KDC 2.315.08.A.3.
50. Driveway crossings shall be a maximum of 36 feet wide.
51. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. The lighting plan shall be approved by the Community Development Director.
52. The proposed site lighting will not cast any light or glare toward the residential properties to the west.
53. Building design elements including ground floor windows, facades, awnings and materials shall satisfy KDC 2.315.08.
54. The elevations of all buildings shall be varied in texture, building materials and shall create a very human scale in blocking and incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements (such as scoring, patterns and textures), punctuated frequently with various architectural features (such as columns, projections, and differing planes), with no greater than 22 feet between such features. A variety of materials, varied at the same frequency as the architectural elements, shall be used and shall conform to the samples in the submitted materials. These materials shall incorporate cultured stone, five varieties of split face Concrete Mortar Units (CMU's), as well as smooth faced CMU walls. The colors used shall be in compliance with the Development Standards. (As amended by MP/SUB/Sign Var/Maj Var Amendment Case No. 2004-44)
55. The application includes design concepts for some of the buildings within the development. Final building designs shall conform with the design concepts submitted with the application, and shall be reviewed by the Community Development Director for compliance with applicable KDC design standards as part of the building permit review.
56. The city and developer shall work together to provide design amenities to enhance the aesthetic appearance and pedestrian functionality of the two underpasses. Finish materials, landscaping, and lighting shall be consistent with that of the buildings in the Village Center.

57. Streetscape features shall be constructed and shall include seating, outdoor art, a significant water feature at the intersection of Road A and Road B as shown on the application materials, awnings and trellises, and interesting bicycle facilities.
58. Maintenance of the open space tracts, plazas, and pathways shall be the responsibility of an association of all property owners of the Village Center.
59. Construction specifications (e.g., base rock, pavement thickness) for the separate pathways shall be subject to Public Works Department approval in accordance with Keizer City Standards.
60. Maintenance of the "Welcome to Keizer" sign shall be the responsibility of the City of Keizer.
61. The Plan shall conform to the requirements of all other State and Special District requirements.
62. During construction, residential properties shall be protected from impacts of noise at unreasonable hours, unreasonable dust, and safety concerns, and shall conform to Keizer city requirements regulating such impacts.
63. The development of the Village Center shall comply with all conditions of the Development Disposition Agreements and all other contractual obligations to the City of Keizer.
64. The applicant shall work with the Transit District to ensure compliance with the requirements found in Section 2.305 of the KDC.
65. In addition to the development standards of Utility Lines and Facilities - Section 2.307 the following standard shall apply to new utilities: A.) All utilities located adjacent to Radiant Drive and connecting transportation facilities shall be located underground. B.) All other new utility connections and lines shall be located underground where practicable.
66. A sight and sound obscuring wall shall be constructed of Concrete Masonry Units or equivalent between the residential properties and the northern border of Area B.
67. Car wash and any automobile service station uses are allowed only as a special permitted use.
68. A portion of Road C shall be located in a public easement, constructed to City of Keizer road standards, and maintained by the City of Keizer.
69. The applicant shall be required to submit documentation demonstrating compliance with all applicable federal, state and local requirements. This shall include all conditions adopted by the City Council which apply to this Master

Plan. These shall be submitted to the Community Development Director for verification and final approval.

CONDITIONS FOR MAJOR VARIANCE APPLICATION for “Pad C”, and “Rests 1, 2, 4, 5” and “Shop A” * This condition has been amended. Please see the findings outlining the changes in the staff report.

70. Unless otherwise specifically modified by this decision, development of structure shall comply with the remaining requirements of the Keizer Development Code.
71. The applicant shall meet all requirements of the Marion County Building Division.
72. The applicant shall locate the proposed structures substantially as indicated on the submitted site plan and shall maintain a minimum setback of 12 to 14 feet from the property line adjacent to Radiant or “Road B”.
73. The construction of the structures must be completed within one year of the final date of this decision. * This condition has been amended. Please see the findings outlining the changes in the staff report.

OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any Covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any other restrictions or conditions thereon.

TRANSFER OF VARIANCE: This variance shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

CONDITIONS FOR SIGN VARIANCE APPLICATION

74. Unless otherwise specifically modified by this decision, development of the structure shall comply with the remaining requirements of the Keizer Development Code.
75. The applicant shall meet all requirements of the Marion County Building Division.
76. The signage of the Keizer Station, Area A Village Center shall be limited to the signage indicated in Exhibit 5 and the related specific drawings.
77. The height of the locational sign shall be limited to 50 feet in height; area of signage shall be allowed up to 400 sq ft on this sign. All other freestanding signs shall be limited to those size and heights as indicated on the plans submitted.

OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

TRANSFER OF VARIANCE: The variance request shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

78. Unless expressly specified otherwise within these conditions, the on-site and off-site improvements shall be constructed in substantial conformance with the attached Exhibits and their related documents:
 1. Building Envelope Plan
 2. Site Plan (Site Area by Use)
 3. Public Improvement Plans
 4. Landscape Plans
 5. Signage Site Plans
79. This land use action is approved on the basis that no future variances will be allowed.
80. Unless expressly stated otherwise with these conditions, no building permits shall be issued until all conditions have been met or the applicant has demonstrated with certainty in the City's discretion the ability to meet such conditions. For example, no building permit shall be issued until contracts have been let for all infrastructure. Building permits may also be held until sufficient infrastructure is completed to support the requested development.

CONDITIONS FOR SUBDIVISION

81. The City Engineer, Keizer Fire District; City of Salem Public Works Department; Marion County Surveyor's Office; and, Portland General Electric submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Staff recommends these as conditions of approval.
82. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.
83. The City's System Development Charge for park development shall be the fees in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.

84. The Keizer Development Code establishes specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.
85. Completion, submittal and recording of the final subdivision plat shall comply with the requirements contained in the Keizer Development Code.
86. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.
87. The applicant shall be responsible for all costs associated with public facility improvements, including all applicable system development charges and shall comply with established City rules and regulations in effect at the time of the final approval of the Subdivision Plat.
88. Minimum lot area shall conform to the requirements of KDC 2.310 and 2.119.09.
89. The Chemawa Park pathway shall be increased to be 12 feet wide, consistent with the pathway width along Interstate 5. The pathways shall be designed to prohibit vehicle traffic and shall include lighting.
90. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.
91. Elevation benchmarks shall be set at intervals established by the City Engineer. The benchmarks shall consist of a brass cap set in a curb or other immovable structure.
92. No building permits will be issued until all required street signs are installed.
93. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.
94. All curb cuts and driveway installations shall be constructed according to City standards.
95. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.