CITY OF KEIZER MISSION STATEMENT

KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT, AND LEAST COST FASHION

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, September 17, 2007

7:00 p.m.

Robert L. Simon Council Chambers

Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **PUBLIC TESTIMONY**

   This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. **PUBLIC HEARINGS**

   a. **Keizer Station Area B Master Plan**

   b. **RESOLUTION – Forming Keizer Station Village Centers Area A Street Lighting District**
   ORDINANCE – Spreading Assessments to Keizer Station Village Centers Area A Street Lighting District

6. **ADMINISTRATIVE ACTION**

   a. **ORDER – In the Matter of the Application of Lowery Development LLC for a Lot Line Adjustment/Subdivision/Variance; and Ron and Lore Christopher for Lot Line Adjustment (Case No. 2007-26) (Adoption of Hearings Officer Order)**

7. **CONSENT CALENDAR**

8. COMMITTEE REPORTS

9. OTHER BUSINESS

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

a. New Business or Old Business Issues

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

September 24, 2007
7:00 p.m. City Council Special Session
- **Appointment to City Council Position #2**

October 1, 2007
7:00 p.m. City Council Regular Session

October 8, 2007
12:00 p.m. (Noon) City Council Work Session
- **Infill Development Discussion**

October 15, 2007
7:00 p.m. City Council Regular Session

October 22, 2007
5:45 p.m. City Council Work Session
- **City of Keizer Parks Master Plan**

12. ADJOURNMENT

CITY COUNCIL MEETING: September 17, 2007

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *AREA B MASTER PLAN PUBLIC HEARING*

The Area B Master Plan public hearing is initially scheduled for tonight's Council meeting. However, upon further work and review with the City's planning consultant (Keith Liden/PB PlaceMaking), staff is recommending continuing the hearing to October 15, 2007.

There are some additional issues that were identified in the draft staff report that need further work. In addition, staff would like additional time to work with property owners and other stakeholders to move forward with the best master plan possible.

RECOMMENDATION:

Continue the hearing to the October 15, 2007 Council meeting.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh

COUNCIL MEETING: September 17, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, MMC
CITY RECORDER

SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO KEIZER STATION VILLAGE CENTERS AREA A STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

ISSUE:

On January 13, 2006 the developer of Keizer Station Village Centers Area A filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2006-1657 on January 17, 2006 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On August 20, 2007 the City Council approved the report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to first consider oral objections and written remonstrances to formation of Keizer Station Village Centers Area A Street Lighting Local Improvement District. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2007-_____

FORMING KEIZER STATION VILLAGE CENTERS AREA A STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Keizer Station Village Centers Area A Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Keizer Station Village Centers Area A Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Keizer Station Village Centers Area A Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for Keizer Station Village Centers Area A Street Lighting Local Improvement District.

PASSED this _____ day of _____, 2007.

SIGNED this _____ day of _____, 2007.

_____
Mayor

_____
City Recorder

BILL NO._____ **ORDINANCE NO. 2007-_____**

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO KEIZER STATION VILLAGE CENTERS AREA A STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Section 1. FINDINGS. The City Council of the City of Keizer makes the following findings:

a. The City Council did heretofore declare its intention to install street lights to serve an area known as Keizer Station Village Centers Area A Street Lighting Local Improvement District which is described as follows:

> Keizer Station Village Centers Area A - identified on the assessors map - tax lots 1000, 1001, 1002, 1100, 1200, 1300, 3000, 3100, 1400, 2900, 1301, 1500, 1700, 1800, 1900, 2700, 2100, 2500, 2600, 900, 2200, 2300, 2400, 2800, 1600, and 2000 in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of fifty-six (56) 100-watt high pressure sodium flat lens acorn style luminaries mounted on decorative poles located within the subject local improvement district, all in accordance with the City's Report for Keizer Station Village Centers Area A Street Lighting Local Improvement District.

b. The total initial estimated cost of Keizer Station Village Centers Area A Street Lighting Local Improvement District is $16,849.55.

c. A per acre estimated assessment formula was used for this district.

d. The improvements in the district have been or will be constructed as provided in the Report.

e. Notice was duly mailed to the benefited property owners on September 6, 2007.

f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

g. No written objections to the proposed assessments were filed.

h. The Council has considered the matter and determined that construction of said improvements was and is of material benefit to the City, and all the property to be assessed therefore will be specially benefited by the improvements in the amounts shown on the assessment roll.

NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

Section 2. ASSESSMENTS.

a. First Annual Assessment. It is hereby determined that the share of the cost of the improvements for Keizer Station Village Centers Area A Street Lighting Local Improvement District for each parcel and property benefited thereby for the first annual assessment is the amount set opposite the description of each piece or parcel of land as described in Keizer Station Village Centers Area A Street Lighting District Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel of land benefited by the improvements, to the full extent of the amount so set opposite such piece or parcel and that the respective amounts represent the proportionate benefits of said improvements to said respective parcels of property, and the Council does hereby declare that each of the parcels of property described in Keizer Station Village Centers Area A Street Lighting District Roll as set forth in

Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Keizer Station Village Centers Area A Street Lighting Local Improvement District":

56 – Poles and Luminaries	$14,400.00
Engineering Costs	$1,200.00
Administrative Fee	$1,249.55
Total Estimated Assessments	$16,849.55

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Keizer Station Village Centers Area A Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 2007.

SIGNED this _____ day of _____, 2007.

_____
Mayor

_____
City Recorder

LIST OF PROPERTY OWNERS FOR KEIZER STATION VILLAGE CENTER AREA A PROPERTIES:

Target Corporation
C/O Property Tax Dept
Po Box 9456
Minneapolis, Mn 55440-9456

Target Corporation
C/O Real Estate-Existing Stores
1000 Nicollet Mall
Minneapolis, Mn 55403

Lowe's Hiw Inc
Attn Tax Department
Po Box 1000
Mooresville, Nc 28117

Lowe's Hiw Inc
101 Andover Park E #200
Tuckwila, Wa 98188

Northwest National LLC
P.O. Box 2087
Salem, Oregon 97308

K Village LLC
P.O. Box 2087
Salem, Oregon 97308

RPS Venture 1 LLC
Alan Roodhouse, President
2653 High Heaven Road
McMinville, OR 97128

Keizer Station Area A Street Light District Property Owners

Lot Number	Property Owner	Lot Size by Acre	Lighting costs per Acre	Total Annual Acessment
2	Lowes	12.25	$216.72	$2,654.82
3	Northwest National	16.76	$216.72	$3,632.23
4	Northwest National	1.29	$216.72	$279.57
5	Northwest National	1.84	$216.72	$398.76
6	Target	10.14	$216.72	$2,197.54
8	Northwest National	1	$216.72	$216.72
17	K Village LLC	5.977	$216.72	$1,295.34
18	K Village LLC	1.098	$216.72	$237.96
19	K Village LLC	4.302	$216.72	$932.33
16	RPS Venture 1 LLC	0.748	$216.72	$162.11
15	RPS Venture 1 LLC	0.72	$216.72	$156.04
14	K Village LLC	1.787	$216.72	$387.28
13	K Village LLC	1.062	$216.72	$230.16
12	K Village LLC	1.06	$216.72	$229.72
20	K Village LLC	1.038	$216.72	$224.96
21	K Village LLC	2.504	$216.72	$542.67
22	Northwest National	1.692	$216.72	$366.69
23	Northwest National	1.801	$216.72	$390.31
24	Northwest National	0.797	$216.72	$172.73
25	Northwest National	1.268	$216.72	$274.80
26	Northwest National	5.643	$216.72	$1,222.95
Parcel 1	Northwest National	2.232	$216.72	$483.72
Parcel 2	RPS Venture 1 LLC	0.739	$216.72	$160.16
				$16,849.55

CITY COUNCIL MEETING: September 17, 2007

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ***SUBDIVISION/VARIANCE/LOT LINE ADJUSTMENT CASE NO. 2007-26 (BOLF TERRACE SUBDIVISION)***

This matter came before the Council for public hearing on September 4, 2007. Following close of such hearing, the Council deliberated and directed staff to prepare an appropriate Order approving the subdivision/variance/lot line adjustment request. Such Order is attached for your review.

RECOMMENDATION:

Adopt the attached Order.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATION OF OREGON

ORDER

IN THE MATTER OF THE APPLICATION OF LOWERY DEVELOPMENT, LLC FOR A LOT LINE ADJUSTMENT/ SUBDIVISION/VARIANCE; AND RON AND LORE CHRISTOPHER FOR A LOT LINE ADJUSTMENT (CASE NO. 2007-26) (ADOPTION OF HEARINGS OFFICER ORDER)

The City of Keizer orders as follows:

Section 1. THE APPLICATION. This matter comes before the Keizer City Council on the appeal by Mark Murphy of the Hearings Officer's decision in the application of Lowery Development LLC for a lot line adjustment/subdivision/variance; and Ron and Lore Christopher for a lot line adjustment for property located in the 6600 block of Veranda Court Northeast and at 184 Bolf Terrace North, Keizer, Oregon.

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

Section 3. PUBLIC HEARING. A public hearing was held on this matter before the Hearings Officer on July 19, 2007. In addition, a public hearing was held before the

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

Keizer City Council on September 4, 2007. The following persons either appeared at the City Council hearing or provided written testimony on the application:

1. Nate Brown, Community Development Director
2. Jack Lowery, Applicant
3. Jeremy Grenz, Multi-Tech Engineering, Applicant's Agent
4. Jacklyn Pierce, Neighbor
5. Mark Murphy, Neighbor
6. Mike Smedima, Neighbor

Section 4. EVIDENCE. Evidence before the City Council in this matter is summarized in Exhibit "A" attached.

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

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

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

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

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

Section 9. ACTION. The decision of the City Council is set forth in Exhibit "A" attached. City Council hereby adopts the Hearings Officer's Order as its own in all respects, including, but not limited to any interpretation of Keizer Development Code/Keizer Comprehensive Plan, and adoption of any facts in this matter.

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

Section 11. EFFECTIVE DATE. This Order shall become effective thirty (30) days after its passage.

Section 12. APPEAL. A party aggrieved by the final determination in a proceeding for a discretionary permit or a zone change may have it reviewed under ORS 197.830 to ORS 197.834.

PASSED this _____ day of _____, 2007.

SIGNED this _____ day of _____, 2007.

_____
Council President

_____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

August 6, 2007

NOTICE OF HEARINGS OFFICER DECISION

Subdivision Case No. 2007-26

Attached please find a copy of the Hearings Officer decision for Subdivision Case No. 2007-26. The attached Notice of Decision contains a Summary of Evidence, Findings of the Applicable Criteria, Decision and Conditions of Approval.

Any interested person, including the applicant, who disagrees with this decision, may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department on an appeal form provided by the City. A fee of $115.00 is required for any appeal filed. The form may be sent to Keizer City Hall, Community Development Department, 930 Chemawa Road NE, PO Box 21000, Keizer, Oregon 97307-1000. The appeal form and fee must be received by the City by 5:00 p.m. August 16, 2007. Please see the Section *Appeal Rights* in the Keizer Development Code, for more information.

If you any questions, concerns or comments regarding this decision, please contact the Keizer Community Development Department at (503) 856-3439 or 856-3441.

DECISION OF THE HEARINGS OFFICER
FOR THE CITY OF KEIZER, OREGON

SUBDIVISION CASE NO. 2007-26

I. GENERAL INFORMATION

A. **APPLICANTS:** Lowery Development, LLC for Lot Line Adjustment/Subdivision/ Variance; and, Ron and Lore Christopher, owner of property at 184 Bolf Terrace Drive, N for the Lot Line Adjustment.

B. **AGENT:** Mark Grenz, Multi-Tech Engineering Services

C. **PROPERTY OWNERS:** Ron and Lore Christopher, owner of property at 184 Bolf Terrace Drive, N; and, Keizer Church of the Nazarene, owner of property in the 6600 block of Veranda CT. After submittal of the application, Keizer Church of the Nazarene transferred ownership to Lowery Development, LLC.

D. **PROPERTY LOCATION:** The subject properties are located at 184 Bolf Terrace N, and in the 6600 block of Veranda Ct, NE and are identified on Marion County Tax Assessor's Map as Township 6 South; Range 3 West; Section 26CD; Lots # 09301; and, 09302.

E. **EXISTING PARCEL SIZES:** The vicinity map included in the application packet shows Lot 3902 (184 Bolf Terrace Drive, N) as .25 acres in size; the lot line adjustment plan, shows the final parcel would be 11,339 square feet. There are insignificant discrepancies in sizes between the lot line adjustment and preliminary plan maps submitted with the application. Lot 3901 (the parcel within the 6600 block of Veranda Ct. NE) is approximately 3.14 acres and would be approximately 3.12 acres after the lot line adjustment.

F. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** Each property is undeveloped. There is a 100-foot wide power utility easement along the southern portion of the site.

G. **PLAN DESIGNATION AND ZONING:** The subject property is designated as Low Density Residential on the Comprehensive Plan Map and zoned RS (Residential Single Family).

H. **ADJACENT ZONING AND LAND USES:** Surrounding properties are developed with residential uses. To the east, south, and west lands are zoned RS (Residential Single Family) and are developed with single-family homes, condos, and a duplex on a corner lot east of the Christopher parcel. To the north land is zoned RM (Medium Density Residential) and developed with duplexes.

I. **PROPOSAL:** The lot line adjustment will involve a 10,672 sq ft parcel and a 3.14 acre parcel in order to create a 11,339 sq ft and a 3.12 acre parcel. The larger parcel is proposed

to be subdivided into a 14-lot subdivision and contains a concurrent variance application to adjust the lot width to depth ratio for Lots 4 through 10 of the proposed subdivision.

J. **NOTICE:** Public notice was mailed, published and posted consistent with notice requirements in KDC § 3.204.

II. SUMMARY OF THE EVIDENCE

Staff Recommendation

Sam Litke, Senior Planner, presented the staff report and recommendation for the proposed subdivision. Mr. Litke recommended that the application complied with the development code and should be approved. He explained that the portion of Veranda that adjoins the two properties that are the subject of the lot line adjustment is public. The rest of the street is private; however, because the precise public/private line is not monumented, the city is requesting a condition of approval to monument it.. He also explained that the applicant is requesting a variance to the lot depth standards because the lot widths are more than three times their depth. There is no option to develop the southern portions of the lots because of a power line easement. To address neighbor concerns, staff has recommended a sight obscuring fence or hedge to be installed and maintained consistent with the requirements of the power line easement. Finally, staff recommends a condition of approval prohibiting further development of lots 4 through 10 for the purpose of residential development.

Applicant's Presentation

Jeremy Grenz, Multi-Tech Engineering, representing the applicant agreed with the staff report except he stated that the applicant disagreed with the requirement to construct a site-obscuring fence. He stated that it is not required by section 2.309.05 because the adjoining uses are also residential and therefore compatible uses.

Oral Testimony Before the Hearings Officer

Noel Peirce stated that parking may be a problem, especially on Bolf Terrace because of the adjacent funeral home. There is a drainage problem on the back of lot 4. He also had a question about street lights. Mr. Litke explained that applicant would be required to establish a lighting district. Mr. Pierce stated that currently children play in the vacant lot and will continue to need a place to play.

Jacque Peirce asked several questions of staff: whether staff was recommending with the properties to the west, how would the city control speeding on Bolf Terrace, where residents would park if there is a funeral, and parking specifically on lots 3 and 4. Mr. Litke explained that staff only recommended a fence to the south, the police department sets and enforces speed limits, that the timing of funerals would be during the day when residents may be away, and the width of the proposed street would allow for parking on both sides of the street.

Mike Smedema stated that he agreed with the Pierces and was also concerned about the safety of children who are already playing on this currently vacant lot. He stated that the children would have to play in the street, that the new subdivision would add an additional 8 children according

to the school district comments, and that more children would result in more safety problems. He proposed having a play area within the power line easement.

Mark Murphy stated that he is concerned about the safety of the proposed street connecting to Veranda Court: adding the road will add congestion. He requested that the city conduct a study to determine if the proposed street could be a cul-de-sac. He believed that the requirement for connectivity should apply only to large developments. He also stated that he would not approve of any additional traffic on the private portion of Veranda Court. He also asked whether the homes would be site-built or manufactured homes. The Hearings Officer explained that the type of homes is not an approval criterion and that state law does not permit the city requiring homes to be site-built.

Tracie Flores stated that she has similar concerns about safety and children playing in the field already, and believed that an accident would occur with an additional 28 cars from the new subdivision. She submitted Exhibit 11, a petition, for the record.

Scott Gillette stated that the original plan for the subject property was for drainage through his property, but he is unsure if the current drainage system on his property could handle water from the proposed subdivision.

Additional Staff Comments
Mr. Litke explained the parking requirements for the lots and the street, and that the city code required connectivity whenever possible.

Applicant's Rebuttal
Jeremy Grenz explained that his engineering company also did the engineering for the adjacent subdivision served by Veranda Court and thus he is confident the street connection will be located only on the public portion of the Veranda Court. He stated that the proposal complies with the street spacing standards. Regarding the type of homes proposed, he stated that the developer has a contract with a Keizer homebuilder who plans stick built homes similar to homes currently being built on McCloud. Mr. Grenz also stated that the children currently playing on the property are playing on private property and that the homes will pay parks SDCs for the city to purchase land. Seven of the lots will be large lots and there may be opportunity for children to play on those lots. Finally, he explained that the developer will conduct appropriate capacity calculations for storm drainage (addressing Mr. Gillette's comments).

Jack Lowery, Lowery Development, LLC, explained that he has been in the development business for many years and that he has presold the lots to Anderson Homes if they are created by November 2007. He will be asked that construction equipment be parked off-site, and also noted that lots 4–10 are large lots for children to play on.

Documents Considered by the Hearings Officer
Keizer Community Development Department Staff Recommendation, Subdivision Case No. 2007-26 (July 12, 2007) with Exhibits 1–9 attached.

Exhibit 1 – Vicinity Map
Exhibit 2 – Reduced copy of Proposed Plan Map

Exhibit 3 – Public Works' comments
Exhibit 4 – Keizer Fire Department's comments
Exhibit 5 – City of Salem Public Works' comments
Exhibit 6 – Salem/Keizer School District 24J's comments
Exhibit 7 – Marion County Surveyor's Office's comments
Exhibit 8 – Letter from Members of Ten at McNary Homeowners Association
Exhibit 9 – Letter from Jacques Peirce

City of Keizer Subdivision/PUD/Manufactured Home Park Application (received May 22, 2007)
City of Keizer Major and Minor Variance Application (received May 22, 2007)
City of Keizer Lot Line Adjustment Application (received May 22, 2007)
Vicinity Map
Reduced copies of preliminary plan and lot line adjustment plan
Bolf Terrace Estates – applicant's statement (May 22, 2007)
Full size preliminary plan and lot line adjustment plan

Exhibit 10 – Letter from Jeremy and Lindsay Everitt, undated, submitted after staff report but before hearing.
Exhibit 11 – Petition, submitted at hearing by Tracie Flores.

III. FINDINGS FOR LOT LINE ADJUSTMENT

The approval or denial of a lot line adjustment is based on compliance with decision criteria found in section 3.106 of the Keizer Development Code. The criteria, findings, and conclusions are listed below.

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

FINDINGS: The proposal complies with this requirement as it adjusts the property lines between two existing parcels in order to reconfigure them. The result of the reconfiguration is that one parcel (Keizer Church of the Nazarene/Lowery Development, LLC) will slightly decrease in size and one parcel (Christopher property) will slightly increase in size. It will not create a new parcel. Therefore, this request satisfies this criterion.

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

FINDINGS: The subject properties are each zoned RS (Residential Single Family). The minimum lot size in the RS zone is 5,000 square feet for a detached, single family dwelling and 4,000 square feet for an attached or zero side yard dwelling. The minimum average lot depth required is 70 feet and the minimum average lot width required is 40 feet. The following illustrates the existing and proposed lot area and dimensions of each parcel:

///

Property	Existing size	After lot line adjustment
184 Bolf Terrace N	10,672 sq ft	11,339 sq ft
6600 block of Veranda Ct	3.14 acres	3.12 acres

	Existing width and depth	After lot line adjustment
184 Bolf Terrace N	125' x 85'	135' x 85'
6600 block of Veranda CT	460' x 350'	460' x 350'

After the property line adjustment, both parcels will meet the minimum area and dimension standards of the RS zone.

In addition to the area and dimension standards for individual lots, the Keizer Development Code requires that lots have access fronting on an existing or proposed public street or to a public street via an access easement. One parcel (Christopher property) will continue to have access onto either Veranda Court or Bolf Terrace while the larger vacant parcel has frontage along both Bolf Terrace and Veranda Court and is proposed to be served by a new street that will connect with both of these streets. At the time of development of the parcels, all provisions of the fire code, including access and address requirements, will be required to be met as a part of any building permit approvals.

The applicants will be required to comply with the Marion County Surveyor's Office requirements regarding any replatting process in order to accomplish the lot line adjustment. As a condition of approval, the replat shall show all area and dimensional standards of each of the lots, which must conform to the requirements of the RS zone. Therefore, with the above mentioned conditions of approval, this request can satisfy this criterion.

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

FINDINGS: The proposed lot line adjustment will adjust the property lines such that the crescent shaped area between the southern property of the Christopher parcel and the proposed new street will be transferred from the Lowery property to the Christopher property. The RS zone requires that single-family dwellings provide a minimum 5-foot side yard setback and a minimum 14-foot rear yard setback for a one-story structure and a 20-foot setback for a two-story structure. Both properties are vacant; therefore, the lot line adjustment will not locate lines in violation of setback requirements. At the time of development of either parcel, any new structure must comply with all setback requirements of the underlying zone.

The City of Keizer Public Works Department submitted comments regarding the need for public facilities to be available to serve each of the parcels, and that those services are to be located on the parcel they serve. In addition, there will be no dedication of right of way along the frontage of property however a 10-foot wide public utility easement must be provided. Therefore, with the above mentioned conditions of approval this request can satisfy this criterion.

D. ***Section 3.106.04.D. The proposed lot line adjustment does not result in creating Infill parcels which previously did not meet the criteria for an Infill Development parcel as defined in Section 2.316.03.***

FINDINGS: The proposed lot line adjustment will not change the status of the lots as infill parcels. The smaller parcel is vacant and was approved by a previous land use decision, and since no division of the parcel is proposed, it is not considered an infill parcel. The larger parcel exceeds 2 acres in area, and is therefore not considered an infill parcel. In addition, the vacant property is not served by public water, sewer, or storm drainage and any development plans will need to be submitted which address these issues.

IV. FINDINGS FOR SUBDIVISION

The approval or denial of a subdivision is based on compliance with decision criteria found in section 3.108 of the Keizer Development Code. The criteria, findings, and conclusions are listed below.

A. ***SECTION 3.108.06.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 KDC contains development standards for manufactured home parks and is therefore not applicable in this situation. Section 2.3 KDC contains the standards which guide all development approvals within the City of Keizer. Listed below are the development standards contained in Section 2.3 that are pertinent to this subdivision review.

1. ***SECTION 2.301.03 - APPLICATION OF PUBLIC FACILITY STANDARDS***

FINDINGS: In order to promote and maintain healthy, safe environments and to minimize development impacts upon surrounding properties and neighborhoods, the public facilities improvement requirements specified in the table found in Section 2.301.03 are found to be the minimum necessary. The applicant will be required to provide the following public facilities: fire hydrant, street improvements, water hook-up, sewer hook-up, storm drain and street lights within the proposed Bolf Terraces Estates Subdivision. With these items placed as conditions of approval, this request can meet this criterion.

2. ***SECTION 2.302 - STREET STANDARDS – GENERAL PROVISIONS***

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

FINDINGS: The area proposed to be subdivided has a change in elevation from a high point of 182 feet in the northwest corner of the site to 168 feet in the southeast corner of the property. The applicant proposes to develop the site with 14 single-family dwellings. The site has frontage along the south side of Bolf Terrace, and along a portion of the west side of Veranda Court. The applicant

proposes a new public street that will serve the lots within the proposed Bolf Terrace Estates Subdivision. This street is shown in the portion of the site that is generally flat. The Public Works Department commented that prior to submitting construction plans for the proposed subdivision; a pre-design meeting with the developer's engineer and the Department of Public Works is required. With this placed as a condition of approval, this proposal can satisfy this criterion.

b. ***Section 2.302.03.B - Continuation of Street. Development proposals shall provide for the continuation of, and connection to, existing 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. Exemptions from these street extensions can be found in Section 2.302.03.B.1–5.***

FINDINGS: The proposed lots within the Bolf Terrace Estates Subdivision will be served by a new public street that is proposed to connect to both Bolf Terrace and Veranda Court. It is not possible to provide for the proposed street to continue beyond Bolf Terrace or Veranda Court because the properties to the north and east are already developed.

At the hearing, there was a suggestion that the proposed street be developed as a cul-de-sac, and not provide connectivity to Veranda Court. Staff recommended a connecting street to allow access in two directions. While the development code and emergency response providers may permit a cul-de-sac, there is no requirement that the applicant construct a cul-de-sac. The development code does not require a cul-de-sac whenever possible, but rather encourages connectivity.

The proposal complies with this criterion.

c. ***Section 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 subdivision site plan shows that the proposed street will connect Bolf Terrace and Veranda Court. The surrounding land uses and lot and street pattern prevent this proposed street from aligning with existing streets. No streets intersect with Bolf Terrace or McNary in the vicinity of the subject parcel to which the proposed street could be aligned. The intersection of the proposed street with Bolf Terrace will be approximately 220 feet west of the Bolf Terrace/Veranda Court intersection, and the intersection of the new street and Veranda Court is shown approximately 140 feet south of the Bolf Terrace/Veranda Court intersection. Therefore, the street layout complies with this provision.

d. ***Section 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: The proposed street will connect to two existing streets in a logical manner. No access is planned onto the private street system to the south. The property to the west can be served off Bolf Terrace so no extension to this property is envisioned. With the property to the south developed with the McNary Estates PUD there is no need for a connection into this developed area. Therefore, this section is not applicable.

e. ***Section 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 street will intersect Bolf Terrace at a right angle. It will intersect Veranda Terrace at an approximate 45-degree angle—in the outside angle of where Veranda Court turns from south to east. This is the only practical way to intersect with Veranda Court because the portion of Veranda Court south and east of the intersection is private. The developer will be required to obtain appropriate approvals and permits through the City Engineer's office.

f. ***Section 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: Along the frontage of the applicant's property, Bolf Terrace has a 30-foot wide paved street within a 60-foot wide right-of-way. This section of the street along the frontage of the applicant's property is improved with a curb, gutter and 5-foot wide sidewalk. Veranda Court is a public street along the frontage of this property, however east of the property it is a private street. The proposed new street will intersect along the public portion of the street. This portion has a 30-foot wide paved street within a 46-foot wide right of way. Along the south side of the site is McNary Heights Drive, which is a private street. No access onto this street is planned, nor will any be permitted. Public Works has indicated that neither dedication nor improvements along this street will be required as part of the development of this subdivision.

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

FINDINGS: No half streets are proposed; therefore this section is not applicable.

h. ***Section 2.302.03.H - Cul-de-sacs. The maximum length shall be 800 feet.***

FINDINGS: No cul-de-sacs are proposed; therefore this section is not applicable.

i. ***Section 2.302.03.I - Street names and numbers shall conform to the established standards and procedures in the City.***

FINDINGS: The proposed street is shown on the applicant's site plan as "Veranda Ridge Loop." As a condition of subdivision approval, a street name application must be submitted to and approved by the Keizer Community Development Department. This proposal can satisfy this criterion.

j. ***Section 2.302.03.J - 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 portion of the subject property that the new street will be constructed is predominately flat and has no grades or slopes that will constrain or impact this development of the property. The storm drainage system makes use of a combination of street and off-street drainage. A grading and drainage plan will be required as a condition of approval to ensure that adequate drainage is provided, as well as construction permits for the new street system. With these conditions of approval, this proposal can satisfy this criterion.

k. ***Section 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: Neither Bolf Terrace, nor Veranda Court is designated as a collector or arterial street in Keizer's Transportation System Plan. Therefore, this section is not applicable.

l. ***Section 2.302.03.L - 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, therefore, this provision is not applicable.

m. ***Section 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: A priority of the Keizer's Transportation System Plan is to provide a safe pedestrian and bicycle facility with landscaped planting strips along streets. In addition to providing street trees along the new street, the applicant shall provide street trees along the frontage of Bolf Terrace. Street trees shall be planted consistent with the spacing requirements within Section 2.302. While the landscaped area is within the right-of-way, it will be the homeowners' responsibility to maintain this area. Information regarding the care and maintenance of this landscaping strip must be included in the CC&R's, Homeowners' Association Agreement or other similar type of agreement approved by the Community Development Department. With these placed as conditions of approval, the application can comply with this provision.

n. ***Section 2.302.03.N - For streets serving infill development as defined under Section 2.316.03, the Infill Street and Access Easement Standards of Section 2.316.06 may be applied.***

FINDINGS: The property to be subdivided is comprised of over 3 acres and does not meet the definition as qualifying for infill development and so these provisions are not applicable.

3. ***SECTION 2.302.04 - GENERAL RIGHT-OF-WAY AND IMPROVEMENT WIDTHS***

The standards outlined in this section shall be the minimum requirements for all streets, except where a variance is requested as permitted under Subsection 2.202.05.

FINDINGS: The applicant does not request any modification to the right-of-way or improvement width for public streets. This proposal meets this criterion.

4. ***SECTION 2.302.06 - CONSTRUCTION SPECIFICATIONS***

Construction specifications for all public streets shall comply with the standards of the most recently adopted public works street standards of the City of Keizer.

FINDINGS: A public street is proposed to serve the proposed lot within the subdivision, so this section is applicable. The proposed street design is for a 30-foot wide paved street within a 44-foot wide right of way. Sidewalks will be located on both sides of the street. The applicant will be responsible for complying with all conditions regarding the design specifications of the street within the proposed subdivision and so will ensure compliance with this provision.

5. ***SECTION 2.303 - OFF-STREET PARKING AND LOADING***

For single family residences, 2 parking spaces per dwelling unit shall be provided on-site, and 1 additional parking space per dwelling unit provided either on-site or on-street within 200 feet of the property or in a parking lot or bay within 200 feet of the property.

FINDINGS: The smallest lot within the subdivision is 5,000 square feet which can accommodate the development of a single family dwelling while providing two on-site parking spaces. This proposal meets this criterion.

6. *SECTION 2.306 - STORM DRAINAGE*

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water.

FINDINGS: To provide for drainage of surface water from residential development, minimize erosion, reduce degradation of water quality due to sediments and pollutants in stormwater runoff, and reduce downstream flooding, a storm drainage and erosion control plan is required. Prior to any development of the proposed subdivision, the applicant must submit a storm drainage and erosion control plan for the project. The applicant will be responsible to make any modifications necessary to the site-grading plan when the final grades are determined. The City of Keizer will require that stormwater detention proposed to be underground will be located within improved street areas. Access to an approved public storm drain system will be required. The submittal indicates a connection to an existing private storm drain system to provide for drainage for the public streets. The private system that the applicant is proposing connecting into **has not been approved as an acceptable drainage outlet**. The submittal includes a storm drain manhole located a considerable distance from the proposed public street. Access to any manholes on easements shall be provided to the satisfaction of the Department of Public Works. No development will be allowed until the plan is reviewed and approved by the City and all prior facility charges (acreage fees) have been paid. With these requirements placed as conditions of approval, this application complies with this provision.

7. *SECTION 2.307 - UTILITY LINES AND FACILITIES*

FINDINGS: To provide adequate services and facilities appropriate for residential development, the applicant shall meet the standards set forth in Section 2.307 of the Keizer Development Code relating to water, sanitary sewer, private utilities, street lights and easements. This is a development requirement and compliance will be ensured during review of the construction and engineering drawings.

a. *Section 2.307.02.A - The location, design, installation and maintenance of all utility lines and facilities shall be carried with minimum feasible disturbance of soils and site.*

FINDINGS: The proposal to subdivide the site will require utility lines to serve the new lots. A preliminary site plan has been submitted; however, as a condition of approval, a detailed engineer's plan will be required to be submitted for review and approval. As part of the grading plan, erosion control measures will be required. The construction and installation of these facilities will be required to be done so that it satisfies this requirement. Therefore, this proposal can satisfy this criterion.

b. ***Section 2.307.02(B) - 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 intent of this provision is to ensure that water lines are installed to city specifications and, if placed outside of public right-of-ways are located within an easement to avoid conflicts. The applicant's statement and site plan indicate the proposed lots will be served by private water lines. The Keizer Development Code requires that water service installed outside of the right-of-way shall be placed within an easement, and the easement be shown on the final plat. Keizer Public Works commented that the developer shall prepare an overall water system plan showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards. This plan must be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and fire hydrants will be required if construction will be outside of a public right-of-way. Any system development charges for water system improvements will be those in place at the time of individual service connections. With these requirements placed as conditions of approval, this request can meet this criterion.

c. ***Section 2.307.02(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: The applicant's written statement does not indicate whether all the utilities will be placed underground. However, unless otherwise prohibited this is a development requirement. The Department of Public Works commented that to minimize utility line conflicts, a master utility plan including all proposed power, telephone, gas and cable lines shall be submitted for review prior to issuance of construction permits for the proposed project. With this placed as a condition of approval this request can satisfy this criterion.

d. ***Section 2.307.02(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 Public Works Department submitted comments addressing this criterion. The subject property is located outside the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will be required unless the applicant can provide evidence that a previous assessment for sanitary sewers for the subject property has been paid. Sewer construction will be required to meet subdivision standards. Prior to platting of the proposed

new subdivision, new sanitary sewer plans will need to be developed and approved to provide for a public system meeting both state and city requirements. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the city's Master Sewer Plan for the area. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted rights-of-way will need to be recorded which meet the City of Salem Design Standards and shown on the subdivision plat.

Stormwater detention for the proposed development will be required. All stormwater and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. A grading and drainage plan shall be developed for the subject property that takes into consideration all development that will result in modifications of the existing property. The Grading and Drainage Plan shall be consistent with City of Keizer ordinances. Details of the plan shall include adequate conveyance of storm water from adjacent property across the subject property. This plan shall be submitted and approved by the Department of Public Works prior to the issuance of any permits for street or storm drainage construction for the subject property. Additional information regarding street grades, site grading, inverts, etc will be required for review prior to any plan approval. The drainage plan for the development shall comply with the Keizer Development Code. With these addressed as conditions of approval, the applicant complies with this provision.

e. ***Section 2.307.02(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 plan is not included as part of the proposed subdivision plan. Street lights will be required along this new street to provide for public safety in the development. Consistent with City policy, formation of a street lighting district is required. With this as a condition of approval, this request meets this criterion.

f. ***Section 2.309.04(B)(7f) – The City may require significant trees that are removed (including trees that are removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed.***

FINDINGS: The applicant has indicated that there are no significant trees that are defined as trees greater than 50 feet in height and or 12 inches in diameter at 5 feet DBH on the property. Therefore, this section is not applicable.

8. ***SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS***

a. ***Section 2.310.03.A - Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcels are located.***

FINDINGS: The purpose of this requirement is to allow for the development of the property in a manner consistent with that of the underlying zone district. The subject property is zoned RS

(Residential Single Family). Within the RS zone, the minimum lot size for detached single-family dwellings is 5,000 square feet. The applicant's site plan indicates that the lots within the proposed subdivision range in size from 5,000 sq ft to 16,623 square feet. The lots have an average lot size of 8,350 square feet. All of the proposed lots conform to the minimum lot size requirement of the RS zone district. This proposal satisfies this criterion.

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

FINDINGS: The purpose for establishing lot width-to-depth ratios is to provide for the orderly, safe, efficient and livable development of land. The lot width-to-depth ratio also prevents lots from being created that would be practically unbuildable. The applicant's site plan indicates that the proposal will contain seven lots that have a depth more than three times the width and therefore, do not comply with this criterion. However, section 2.310.02.B allows for the modification of this standard provided, findings are established which indicate compliance with the standard is infeasible. The applicant has submitted a concurrent variance application to vary this section of the code for Lots 4 through 10. The variance request is addressed below. All other lots within the proposed subdivision meet this criterion. If the variance is approved, then this proposal satisfies this criterion.

c. ***Section 2.310.03.D - Access. All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. Cul-de-sac lots shall have a minimum frontage of 25 feet and Flag lots shall have an access strip of no less than twenty (20) feet. The following exceptions shall apply: residential lots or parcels may be accessed via a private street or access easement developed in accordance with the provisions of Section 2.303 when the City finds that a public street is not necessary to provide for the future development of adjoining property.***

FINDINGS: Eleven of the lots have frontage that exceed the minimum 40 foot frontage requirement. Two of the lots (Lots 3 and 4) are considered to be flag lots, which both contain more than the minimum 20 feet of frontage along a public street. Lot 10 is shown with less than 40 feet of frontage (35.61 feet). This lot can is neither a flag lot nor a cul-de-sac lot; therefore, its frontage must be increased. This can be accomplished by shifting lot lines on either side of this lot so as to make it comply with this requirement. A condition of approval is necessary to ensure that lot 10 complies with the frontage requirements. Because increasing the frontage of lot 10 will decrease the frontage of one or more adjoining lots, the condition should require that each of the proposed lots must meet or exceed the minimum standards outlined in the development code. With this placed as a condition of approval, this proposal can satisfy this criterion.

d. ***Section 2.310.03.E -Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met:***

1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards.

2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.

FINDINGS: Two flag lots (Lots 3 and 4) are proposed and each is shown with almost 22 feet of frontage. However, when the access strip for Lot 3 is subtracted from the area of the lot, its resulting size is less than 5,000 square feet in area. In order to be consistent with minimum lot size requirements, the area for this lot must be increased. With this recommended as a condition of approval, This request can satisfy this criterion.

e. ***Section 2.310.03.F - Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Through lots shall be no less than 100 feet in depth. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request.***

FINDINGS: There is one 'through lot' (Lot 12) proposed, however it contains a depth greater than 100 feet (118 feet) and therefore, complies with this provision. In addition, the lot does not have frontage along any major traffic arteries, nor are there any non-residential activities nearby that should preclude it from being allowed. Lots 5–10 appear to be through lots, but are not because McNary Heights Drive is a private street. The applicant has indicated that the front of Lot 12 will be oriented to the internal street within the subdivision to avoid having any access onto Bolf Terrace. The Public Works Department commented that Lot 12 will not be allowed access onto Bolf Terrace and that a notation must be recorded by deed restriction or on the plat indicating this restriction. With this placed as a condition of approval, this proposal will comply with this criterion.

f. ***Section 2.310.03.G - 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 subject property is nearly a square shaped area minus the Christopher property, which is not part of the subdivision request. The side lines of lots 10 and 11, which face onto the proposed street, are not at right angles to the proposed street due to the lot pattern surrounding the subject parcel, and the way in which the proposed street must connect to Veranda Court. Because the side lines of these lots run generally parallel to the adjacent lots, they are as close to a right angle as practicable. The rear lot lines are no less than one-half the dimension of the front lot lines. The application complies with this criterion.

g. ***Section 2.310.03.H - 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: There will be utility lines located in the access and utility easement serving the lots. Public Works commented that it would require that easements be granted to the City and shown on the final plat for any utility lines that would be located on any lot. This is a development

requirement and shall be placed as a condition of approval of this subdivision application. The application can comply with this criterion.

9. ***SECTION 2.310.04 - ADDITIONAL DESIGN STANDARDS FOR SUBDIVISIONS***

a. ***Section 2.310.04.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 length of the new street within the proposed subdivision will be approximately 260 feet and therefore, complies with this provision.

b. ***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. 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: The intent of this provision is to allow for safe pedestrian and bicycle access from the lots within the subdivision to other nearby facilities. There is an existing sidewalk along the frontage of the property with Bolf Terrace. This sidewalk is part of the pedestrian system. In order to provide for a safe pedestrian system within the subdivision the applicant will be required to provide a 5-foot wide sidewalk along each side of the street within the subdivision. In addition, the applicant will be responsible for replacing any portion of the sidewalk along the frontage of the property with Bolf Terrace that may be removed during construction. The application complies with this criterion.

10. ***SECTION 2.310.06 - IMPROVEMENT REQUIREMENTS***

a. ***Section 2.310.06.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: The applicant will be responsible for providing full street improvements along the frontage of each lot within the subdivision. No other improvements along either Bolf Terrace or Veranda Court are required from the applicant. The application complies with this criterion.

b. ***Section 2.310.06.B - Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.***

FINDINGS: The applicant's site plan shows a sidewalk will be constructed along each side of the proposed new street within the subdivision. With this placed as a condition of approval, this proposal complies with this criterion.

c. ***Section 2.310.06.C - Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.***

FINDINGS: Public Works has reviewed the proposed subdivision and their detailed comments are included as part of the record. The new street is shown as a 30-foot wide paved street within a 44-foot wide right of way. As a condition of approval the applicant will be responsible for constructing the street so as to comply with all requirements of the City Public Works department regarding street construction. This will ensure compliance with this criterion.

d. ***Section 2.310.06.D - 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: The applicant will be responsible for placing appropriate monuments at the street intersections and with this as a condition; this application can comply with this criterion.

e. ***Section 2.310.06.E - 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: The applicant will be responsible for placing appropriate bench marks at the street intersections and with this as a condition; this application can comply with this criterion.

f. ***Section 2.310.06.F - 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 was also addressed previously in this report relating to storm drainage improvements and public facilities. The intent of this provision is to ensure that new development can be done in such a manner to avoid any flooding onto neighboring properties or onto the property being developed. Public Works has commented that a Grading and Drainage Plan must be submitted and approved by the Department of Public Works prior to the issuance of any

permits for street or storm drainage construction for the subject property. The proposed new street shall be served with a public storm drain system meeting the design and construction standards of the Department of Public Works. The City of Keizer will require that storm water detention proposed to be underground will be located within improved street areas. Access to an approved public storm drain system will be required. The submittal indicates a connection to an existing private storm drain system to provide for drainage for the public streets. The private system that the applicant is proposing connecting into **has not been approved as an acceptable drainage outlet**. The submittal includes a storm drain manhole located a considerable distance from the proposed public street. Access to any manholes on easements shall be provided to the satisfaction of the Department of Public Works. No development will be allowed until the plan is reviewed and approved by the City and all prior facility charges (acreage fees) have been paid. With the Public Works' Department's comments applied as conditions of approval, the application complies with this criterion.

g. ***Section 2.310.06.G - 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: The intent of this provision is to protect the public water supplies from failing on-site septic systems and ensure the efficient use of urban land, since homes constructed on lots that can connect to a municipal sanitary sewer system require less land than homes constructed on lots with private on-site septic systems. The site plan indicates that a new sanitary sewer line will be constructed to serve the new subdivision. There is an 8-inch sanitary sewer line in the Bolf Terrace right-of-way. The subject property is located outside the original Keizer Sewer District and so a sanitary sewer trunk line acreage fee will be required. Sanitary sewer construction will be required to meet subdivision standards. Prior to platting of the proposed subdivision, the sanitary sewer plans shall be approved. This will require City of Salem approval for local sewer permits to be issued prior to construction and with City of Keizer approval. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted rights-of-way will need to be recorded which meets the City of Salem Design Standards and must be shown on the subdivision plat. The proposed sanitary sewer alignment has not been accepted by the Department of Public Works. Further, it will be the responsibility of the developers engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The developer, prior to platting of the proposed subdivision, shall remove any conflicts between existing wells and proposed sanitary sewers. With conditions of approval addressing these issues, this application can comply with this criterion.

h. ***Section 2.310.06.H - 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. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire***

flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size.

FINDINGS: The proposed subdivision will require a new water line to be constructed in order to serve the new subdivision. This line will connect to the main line in the Bolf Terrace right-of-way. Public Works commented that an overall water system plan shall be developed showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards and shall be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and a fire hydrant if one is determined to be necessary to serve the development will be required. Any system development charges for water system improvements will be those in place at the time of individual service connections. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to approval of any plans for the development. The location of all meters is to be approved by Keizer Water Department. With conditions of approval addressing these issues, the application can comply with this criterion.

i. ***Section 2.310.06.I - Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g., pedestrian walkways) or sidewalks fronting public property shall not be deferred.***

FINDINGS: There is an existing 5-foot wide sidewalk along the Bolf Terrace frontage. A portion of it may be removed as part of the development of this property and if so will need to be replaced to match up with it. As required by this criterion, sidewalks must be installed along the portion of each lot abutting the proposed new street within the subdivision. Sidewalks may be deferred until the issuance of building permits. This proposal can satisfy this criterion.

j. ***Section 2.310.06.J - 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: Street lights are required within new subdivisions to ensure there is adequate lighting for public safety. Street lights must be installed within the subdivision. The subdivision plan does not indicate the placement of any street lights. With a condition of approval requiring streetlights, the application can meet this criterion. In addition, a street lighting district will also be required to be formed to ensure ongoing maintenance and operation of the street lights. Therefore, this proposal can satisfy this criterion.

k. ***Section 2.310.06.K - 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: The applicant will be required to install a street name sign at the intersection of the new street and Bolf Terrace, as well as the intersection with Veranda Court. Street name signs must

be consistent with city standards. With this placed as a condition of approval, the application can comply with this criterion.

l. ***Section 2.310.06.L - Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.***

FINDINGS: The application can meet this criterion. This is addressed as a condition of subdivision approval.

m. ***Section 2.310.06.M - 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: With this as a condition of approval, the application can comply with this criterion.

n. ***Section 2.310.06.N - 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: The intent of this provision is to allow for street trees to be planted along streets to improve the streetscape appeal of the street. Section 2.302.03.M requires spacing of one tree every 30 feet. The site plan and applicant statement are silent about street trees. The applicant must plant at least two street trees along the frontage of each lot within the subdivision, and adjacent to the sidewalk along the frontage of Bolf Terrace. With a condition of approval requiring street trees, this application can comply with this criterion.

o. ***Section 2.310.06.O - Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.***

FINDINGS: Since the property is flat, there should be minimal placement of any fill prior to construction of any dwellings. However, since this is a State Building Code requirement it is intended as advisory at this point of the subdivision review.

p. ***Section 2.310.06.P - Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.***

FINDINGS: This requirement will be placed as a condition of approval.

C. ***SECTION 3.108.06.B - EACH LOT SHALL SATISFY DIMENSIONAL STANDARDS AND DENSITY STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.***

FINDINGS: The applicant has indicated that each of the lots will be developed with single-family homes. Section 2.102.05.A of the Keizer Development Code requires that each lot to be developed with a single-family dwelling contain a minimum average width of 40 feet. The lots have widths that are on average, approximately 50 feet, and so each satisfies this requirement. This section also specifies a minimum average depth of 70 feet for lots with single-family homes. Each of the lots

exceeds the minimum lot depth requirements. Section 2.102.06.I specifies a minimum density of 4 units per acre and a maximum density of 8 units per acres. The proposed subdivision has a density of 4.48 dwellings per acre. This complies with the minimum density requirements of this section of the code.

D. ***SECTION 3.108.06.C - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS.***

FINDINGS: As previously discussed, public sewer and water are available and will be extended to serve the newly created lots within the proposed subdivision and the applicant will be responsible for complying with the applicable conditions governing the construction and installation of these facilities. With this placed as a condition of approval, this application can comply with this criterion.

E. ***SECTION 3.108.06.D - ROUGH PROPORTIONALITY. IMPROVEMENTS OR DEDICATIONS REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL, WHEN NOT VOLUNTARILY ACCEPTED BY THE APPLICANT, SHALL BE ROUGHLY PROPORTIONAL TO THE IMPACT OF DEVELOPMENT. FINDINGS IN THE DEVELOPMENT APPROVAL SHALL INDICATE HOW THE REQUIRED IMPROVEMENTS OR DEDICATIONS ARE ROUGHLY PROPORTIONAL TO THE IMPACT.***

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate streets that logically continue the City's street system are provided in order to avoid traffic generation that exceeds the street system's carrying capacity, which then causes dangerous or hazardous traffic conditions. The conditions requiring the applicant to make particular street improvements or dedications address that public interest by improving the adjacent streets.

The applicant proposes a 14-lot subdivision. The Keizer Development Code requires that new development make road improvements to bring their road frontage up to the road classification and construction standards. The street standards require road improvements and the road construction to be provided by the development as it occurs in proportion to its impacts. The occupants of the subdivision will utilize road systems constructed by other developments at no cost to them or the applicant.

The functional classification of Bolf Terrace and Veranda Court is based on the cumulative traffic impacts from the development of properties in the area which will use the street. Each street is classified as a residential street. Functional classification is established in order to ensure that the streets have adequate carrying capacity for the traffic which will utilize it to avoid traffic generation that would cause dangerous or hazardous traffic conditions. The proposed development will generate additional vehicle trips per day that will contribute to the cumulative traffic impacts on the area. Bolf Terrace is an improved public street with curb, gutter and sidewalk along the frontage of the applicant's property and therefore, the applicant will **not** be required to provide for additional right of way dedication or street improvement along the

frontage of the property of this street. However, the applicant will be responsible for improving the full extent of the new street within the subdivision in order to serve the residents within the subdivision. Such street improvements and dedications are now, and have traditionally been, part of the cost considered in the developer's reasonable investment-backed expectations for constructing the subdivision. The improvements and dedications required with this application are roughly proportional to the impact of the development.

V. FINDINGS FOR MAJOR VARIANCE

The decision criteria for major variances are contained in section 3.105.05 of the Keizer Development Code. The criteria, findings, and conclusions are listed below.

1. ***Section 3.105.05.A - 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 RS. The property is undeveloped and is proposed to be developed with a single-family dwelling on each lot which is an allowed use within the RS zone. The subject property is proposed to be subdivided based on the Keizer Development Code. The standard that the applicant is seeking to be waived is the lot width to depth ratio that limits the depth to no more than 3 times the width. Lots 5 through 9 exceed this requirement by approximately 42 feet or about 30%. Lot 10 by approximately 50% and since Lot 4 is a flag lot it is not quite as simple to calculate, however it is similar to the other lots in its depth. There is an existing 100-foot wide utility easement with transmission tower and power lines crossing the southern portion of the property. The applicant is not allowed to locate buildings within this easement, which limits how the site can be laid out. The submitted site design is one that shows an efficient design of the property given this constraint. The applicant would be able to comply with this lot width-to-depth ratio by either decreasing the depth of the lots by shifting the road further to the south, or by increasing the widths of the lots so as to meet the width-to-depth ratio.

Requiring the new street to be located further south in an effort to make these lots comply with this code provision would not be practicable and would result in an overall design that is less efficient. There would be a significant impact to the buildable area of each of the lots. In fact, each of the lots would lose between 30 and 40 percent of the buildable area, which would force each building to essentially be located right up against the easement. The design as submitted is one that allows for a certain amount of flexibility in building placement and can keep the houses outside of and as far away from the easement as possible. Increasing the individual lot widths in order to comply with the provision, would require that each lot be approximately 64 feet in width. This would result in a reduction of the number of lots within the subdivision by at least 2 lots. This would result in the overall density of the subdivision falling below the minimum standard of 4 units per acre, which is outlined in the Keizer Development Code. The approval of the variance will permit a design that is also consistent with Keizer Comprehensive Plan Policy #2(b)(5) which states, "Provide for and promote generally higher residential densities to encourage a compact urban form". The development as proposed, will have a density of 4.48 dwelling units per acre which meets the minimum provision of the RS zone and with Comprehensive Plan Policy #15(c) which defines Low Density as allowing "[A]s many as 8 units per gross acre. It should be noted that the requested variance is not an attempt by the applicant to create as many lots as possible, maximizing the

allowed density threshold of 8 units per acre, but is rather a request for variance approval, in order for the applicant to comply with the minimum standards of the Development Code.

The variance will allow the applicant to develop the property in a manner consistent with these policies. Therefore, this is the minimum necessary to permit the level of development as proposed by the applicant. The request complies with this criterion.

2. ***Section 3.105.05.B - 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.***

FINDINGS: The applicant met with staff during a pre-application conference and has submitted an application based on comments received from various city departments. In recognition that the proposal seeks to develop the property in an efficient manner consistent with density provisions as was addressed previously in this report, the burden created by location of the utility easement is greater than any adverse impact created by this proposal. This request complies with this criterion.

3. ***Section 3.105.05.C - The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property***

FINDINGS: Approval of the requested variance will not change to the character of the neighborhood. Properties to the south of the site are developed with single family homes, as are properties to the east. With the easement prohibiting the placement of any buildings within the easement area there will be no homes located in close proximity to the neighbors to the south. In fact the proposal is one that shows the homes located as close as possible to the new street within the subdivision. While it may seem logical that since these lots are large, they may have the potential for redevelopment, given the fact that the easement precludes the placement of homes, there is not possibility of further dividing the properties for residential uses.

Notice was provided to adjacent property owners and several concerns were raised regarding the desire that a sight-obscuring fence be placed along the south property line. Section 2.309.05.A specifies when screening or buffering is required. In this case, the only possible situation would be 2.309.05.A.7, which requires screening or buffering to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar uses. Here, the proposed uses will be residential—the same as the properties to the south. There is no evidence that these residential uses within this residential area on land zoned for residential use will generate visual impacts, dust, noise, or pollution in excess of that generated by the surrounding residential uses. Hence, screening or buffering does not appear to be necessary. This conclusion is further supported by the fact that the houses will be located at least 100 feet north of McNary Heights Drive due to the power line easement. This additional distance acts as a buffer.

At the hearing, other neighboring landowners expressed a desire for screening or buffering to the east and west of the subject property. The hearings officer cannot require the applicant to install screening or buffering to the east and west because there is no evidence that these residential uses within this residential area on land zoned for residential use will generate visual impacts, dust, noise, or pollution in excess of that generated by similar adjacent residential uses.

The applicant, may choose to install a fence that complies with the city's requirements, or to require, as part of homeowners association that the owners of individual lots do so. The HOA requirements may even specify the type of fencing to ensure uniformity.

4. ***Section 3.105.05.D - There has not been a previous land use action approved on the basis that variances would not be allowed.***

FINDINGS: While there has been a previous land use application on this property that partition approval does not expressly prohibit the granting of this variance. Therefore, the proposed variance complies with this criterion.

5. ***Section 3.105.05.E - The variance will not significantly affect the health or safety of persons working or residing in the vicinity.***

FINDINGS: The requested variance will allow for the property to be developed in an efficient manner and meet all other development requirement. Properties to the south of the site are developed with single family homes, as are properties to the east. With the easement prohibiting the placement of any buildings within the easement area there will be no homes located in close proximity to the neighbors to the south. The proposed variance will allow for a level of development that is consistent with the provisions of the Development Code and Comprehensive Plan, which are designed to govern the development of land within the City of Keizer and promote the public health, safety, and general welfare of the community. Therefore, the proposed variance will not result in any significant affects upon the health or safety of persons working or residing in the vicinity. Therefore, this request complies with this criterion.

6. Section 3.105.05.F - The variance will be consistent with the intent and purpose of the provision being varied.

FINDINGS: The provision being varied is specifically *Section 2.310.03.C. Lot width and depth.* The purpose of section 2.310 is, "To provide for the orderly, safe, efficient and livable development of land within the City of Keizer."(Section 2.310.01) By establishing development standards for land divisions, the Development Code strives to provide for lots that can reasonably be developed with a single family home and avoid parcels that may not be efficiently developed due to odd parcel shapes. The Development Code recognizes that modifications to *Section 2.310. Development Standards* may be necessary in certain situations. Section 2.310.02.B states in part that, "The design standards in this section may be modified, provided, findings are established which indicate compliance with these standards is infeasible . . .." In this case, the applicant has demonstrated that compliance with the width-to-depth ratio is not feasible.

Another consideration with the intent of the width-to-depth ratio is to minimize having future partitions of lots that might otherwise affect the livability of the neighborhood, and or preclude developments from achieving a compact, urban form. In this case, the existence of the utility easement precludes the ability of any of these lots from being further divided, so there will be no additional lots created as an unintended result of this application. The applicant's proposal shows that the lots can be developed with single family homes that will be located outside of the easement

and as far away from the existing development to the south as possible which will protect the livability of the existing neighborhood. This request complies with this criterion.

VI. ADDITIONAL DISCUSSION FROM THE HEARINGS OFFICER

At the hearing, several people spoke about safety concerns—apparently, many children in the area play on the subject property. Development of the property will obviously eliminate this property as a play area for children. This, however, is not a matter that the hearings officer can address in this decision. The development code does not require the developer of this subdivisions to set aside land for play areas for neighborhood children. The hearings officer, however, did clarify one recommended condition of approval—that lots 4–10 not be further divided for residential use. This may allow for the current landowner or owners of the individual lots to divide their lots individually or together to create an area adjacent to McNary Heights Road for a neighborhood park. This is not a requirement for this subdivision approval, and persons interested in creating a park will need to work with the city planning staff to determine if a park is permitted and how to amend this approval, amend the final subdivision map, or partition and combine portions of the lots to accomplish their objective.

VII. DEVELOPMENT CONSIDERATIONS

A. 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.

B. The City's System Development Charge for park development shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.

C. The subject property is located outside of the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will be required unless the applicant can provide evidence that a previous assessment for sanitary sewers for the subject property has been paid. Connection to existing sewer lines that serve the general area will be the responsibility of the developer. An overall sanitary sewer master plan for the proposed development shall be submitted to the City of Keizer Department of Public Works for review prior to the submittal of any engineering drawings for public sewer lines for the proposed development.

D. Any system development charges for water system improvements will be those in place at the time of individual service connections.

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

F. All grading which results in fill in excess of three (3) feet located within the identified building envelop on a subdivision lot or parcel must be engineered.

VIII. DECISION AND CONDITIONS OF APPROVAL

Based on the above evidence and findings of fact, the Hearings Officer approves the proposed lot-line adjustment, subdivision, and major variance applications with the following conditions of approval. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

1. Improvement work shall not commence until plans have been checked for adequacy and approved by the Department of Public Works. Plans shall be prepared in accordance with requirements of the City. Plans for the proposed subdivision shall be consistent with previously submitted plans for the existing parcels.

2. Improvement work shall not commence until the Public Works Department has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the Public Works Department has been notified.

3. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.

4. Any wells on bordering properties within 50 feet of any proposed sanitary sewers shall be located. Development of the subject property will require the design and construction of an adequate public water system to provide for fire protection for the development. A preliminary water master plan shall be submitted to the Department of Public Works for review to indicate fire protection adequacy and where individual water meters are proposed. A-10 foot utility easement is required along the frontage of all public streets within the proposed development, including the frontage of Bolf Terrace.

5. Plans shall be submitted to the Department of Public Works clearly indicating the delineation between public and private streets.

6. Access to Lot 11 shall be restricted to the westerly side of Lot 11.

7. The frontage of Lots 3 and 4 shall be widened as necessary to provide for the required minimum drop curb for a driveway to each parcel. The drop curbs shall be separated by a standard handicap accessible ramp.

8. Lot 12 will not be allowed access to Bolf Terrace. Notation shall be recorded by deed restriction or on the plat.

9. No further dividing of Lots 4 through 10 shall be permitted for the purpose of residential development. Division of these lots for other uses as allowed by the power line easement may occur.

10. No access onto McNary Heights Drive is allowed without written authorization of the appropriate governing body that can issue this authorization.

Prior to Plan Submittal:

11. 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. An engineering site plan shall be submitted for review and approval to the Keizer Department of Public Works. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. At the pre-design meeting the following items shall be submitted for review and approval:

    a. A master water system plan showing proposed routes of public water mains (including a water line to provide for looping of the system to the existing waterline), fire hydrants as required by the Fire District and individual services.

    b. An overall storm drainage plan which provides service to this development consistent with the City of Keizer Master Storm Drain Plan for this area of Keizer. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. No direct connection of roof drains will be allowed. Weep holes in curbs are the standard method for providing roof drain outlets. A grading and drainage plan shall be developed for the subject property. The grading and drainage shall comply with Section 2.306 (storm drainage) of the Keizer Development Code.

    The City of Keizer will require that storm water detention proposed to be underground will be located within improved street areas. Access to an approved public storm drain system will be required. The submittal indicates a connection to an existing private storm drain system to provide for drainage for the public streets. The private system has not been approved as an acceptable drainage outlet. The submittal includes a storm drain manhole located a considerable distance from the proposed public street. Access to any manholes on easements shall be provided to the satisfaction of the Department of Public Works.

    Additional information regarding street grades, site grading, inverts, etc, shall be submitted prior to any plan approval.

    c. Local sewer permits are required prior to construction and are issued through the City of Salem. The City of Salem requires sanitary sewer laterals be constructed

that serve each lot conforming to the City of Salem Sewer Design Standards. Sewer laterals shall be located within the access and utility easement or appropriate easements.

Prior to submitting plans to the City of Salem for approval, plans shall be submitted to the Public Works Department for review and determination of compliance with the City of Keizer's Master Sewer Plan for the area.

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

12. Construction permits are required by the Department of Public Works prior to any public facility construction. Prior to issuance of construction permits, all required acreage fees (sanitary sewer and storm drain) shall be paid or evidence provided that previous payments have been made. Contact Scott Peterson at the City Engineer's office at (503) 390-7402 for the required permit information.

13. An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the subdivision plat. This agreement can be picked up at the City Engineer's Office.

14. Any required connection taps shall be to the City of Keizer standards paid for by the developer. The sanitary sewer acreage fee and the storm drainage acreage fee shall be paid at the time of issuance of construction permits by the Department of Public Works.

15. Final development plans shall be submitted to the Keizer Fire District for review and approval regarding access and adequate location of fire hydrants. Location of all water meters to be approved by Keizer Public Works Department.

16. A master utility plan including all proposed power, telephone, gas and cable TV lines shall be submitted to the Department of Public Works for review prior to the Department issuing construction permits for the proposed project.

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

18. A power plan shall be submitted to Qwest.

19. An application for a Local Improvement District for the street lighting district can be obtained from the City Recorder. A complete Local Improvement District (L.I.D.) application for street lighting shall be submitted to the City Recorder. Street lighting improvements shall comply with the City regulations and requirements.

During Public Improvements:

20. All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of any streets or access ways.

21. A street opening permit will be required for any construction within existing right of ways.

Prior to Satisfaction of Improvements:

22. Certified as-built drawings of all public utility improvements and street improvements shall be provided to the City's Public Works Department upon completion of the public improvements and prior to final acceptance of the improvements by the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer. Additionally, digital files of the as built plans shall be submitted to the Department of Public Works.

Prior to Preliminary Plat Approval:

23. A detailed preliminary subdivision plat shall be submitted to the Marion County Surveyor's office for review. Marion County Surveyor's office will then submit the plat to Keizer for review and approval. The Preliminary Plat must be submitted for review prior to submittal of a final plat. This shall also include the property involved in the lot line application.

    a. A checking fee and second Mylar fee is required.
    b. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.
    c. Subdivision name must be approved per Oregon Revised Statue 92.090.
    d. Must be surveyed and platted per Oregon Revised Statue 92.050.
    e. Per Oregon Revised Statue 92.065 remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.

<u>The detailed preliminary plat shall include the following provisions:</u>

    f. Include all engineering elements as required by the Department of Public Works.
    g. Right of way dedication for the proposed development.
    h. For all public water mains, fire hydrants and any public sewer mains located within the subject property (if located outside platted right of ways) easements will be required and will need to be recorded. These easements shall meet the City of Keizer or City of Salem (where applicable) Design Standards and shall be shown on the subdivision plat.
    i. 10 foot wide public utility easements (PUE) shall be shown along all new dedicated right of ways.
    j. All lots shall conform to lot dimensions standards within the RS zone. Lots 4 through 10 may exceed the lot width-to-depth ratio as approved by variance. Include net area for all flag lots.

k. Lot 10 shall have a minimum of 40 feet of frontage.

Prior to Final Plat approval (Mylar):

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

25. Upon approval of the preliminary agreement, a final copy of any CC&R's, Homeowner Agreements, or other instrument shall be submitted to the Community Development Department that conforms to the agreements submitted during preliminary plat approval.

26. Upon approval of the detailed preliminary plat and engineering plans, a final plat for the subdivision, which conforms to the preliminary plat approval, must be submitted for review to Marion County Surveyor's Office.

27. A Street naming application to name the proposed new street is available from the Community Development department. The Street naming application must be completed and submitted to the Community Development department for approval.

Prior To Obtaining Building Permit(s):

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

29. No buildings will be allowed within the existing 100-foot wide power utility easement.

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

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

31. Two (2) streetscape trees shall be required to be planted on each lot along the new street and also along the frontage with Bolf Terrace. The trees shall be planted in conformance with Section 2.316.13 of the Keizer Development Code and shall be planted prior to final inspection approval for each individual lot.

32. No building permits shall be issued until the plat is recorded, street addresses have been assigned, and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.

33. Sanitary sewer permits must be received and/or sewer taps and system development charges must be paid due and payable to the City of Salem.

DATED this 2 day of August 2007

Jeffrey B. Litwak
Hearings Officer