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KEIZER PLANNING COMMISSION

Wednesday, September 9, 2026, 6:00 PM

Robert L. Simon Council Chambers

930 Chemawa Road NE

Keizer, Oregon

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. August 12, 2026

3. APPEARANCE OF INTERESTED PERSONS

This time is made available for those who wish to speak about an issue that is not on the agenda.

4. PUBLIC HEARING - PAGES 21 - 43 OF PACKET:

a. Minor Variance Case 2026-10: 4090 Rivercrest Dr. N.

5. NEW-OLD BUSINESS/STAFF REPORT

a. November Meeting: Nov. 11th is a Holiday. Can Commissioners attend on Nov. 4th or 18th?

6. COUNCIL REPRESENTATIVE REPORT

7. COMMISSIONER REPORTING TO COUNCIL: FERNANDO LOPEZ ON SEPT. 21ST - 6PM

8. ADJOURNMENT



MINUTES
KEIZER PLANNING COMMISSION
Wednesday, August 12, 2026
Robert L. Simon Council Chambers
930 Chemawa Road NE
Keizer, Oregon

- 1. CALL TO ORDER** **CALL TO ORDER:** Chair Matt Lawyer called the meeting to order at 6:00 pm.

Present:

Matt Lawyer, Chair
Jeremy Grenz, Vice Chair
Larry Scruggs
Lindsey King
Fernando Lopez
Robb Witters

Council Liaison Present:

Councilor Juran

Staff Present:

Shane Witham, Planning Director
Dina Horner, Assistant Planner
Joseph Lindsay, City Attorney
Dawn Wilson, Deputy City Recorder
Richard Walker, City Engineer

Absent:

One open position

2. APPROVAL OF MINUTES

a. June 2026

Commissioner Grenz moved for approval of the June 2026 Minutes as presented. Commissioner King seconded. Motion passed unanimously as follows: Lawyer, King, Grenz, Witters, and Lopez in favor with Scruggs abstained and one open position.

Chair Lawyer also took a moment to acknowledge the departure of Commissioner Hostler from the Planning Commission, thanking him for his dedication and willingness to serve, noting this was his second time serving on the Keizer Planning Commission. Chair Lawyer expressed appreciation for Commissioner Hostler's service and wished him well. Chair Lawyer noted that there was currently one open position on the Commission.

3. APPEARANCE OF INTERESTED PERSONS

Chair Lawyer opened the floor for general public comment on items not on the agenda. No members of the public came forward for general comment. Chair Lawyer noted that several individuals who had signed in — Parish Burns, Shofi Ull Azum Shofi, Nadine Stoltz, and William Stoltz — were present for the public hearing and deferred their participation to that portion of the agenda.

4. PUBLIC HEARING:

a. Master Plan Amendment/Property Line Adjustment/Conditional Use Permit Case 2026-06: Keizer Station Area B

Chair Lawyer opened the public hearing at 6:02 p.m. and turned the floor over to City Attorney Joseph Lindsay to commence the hearing with the required legal proceedings.

Applicable Criteria — City Attorney Joseph Lindsay

City Attorney Joseph Lindsay stated that at the commencement of the hearing, the applicable substantive criteria for the case must be read into the record. He identified three areas of criteria applicable to Case 2026-06.

I. Master Plan Amendment Criteria [Keizer Development Code (KDC) Section 3.113.040]:

1. The amendment cannot substantially alter the overall character or intent of the Master Plan, including intended uses, building size, master plan character, and the Activity Center Overlay Zone.
2. The amendment must be consistent with the original approval criteria of the Master Plan currently in effect, including the purpose and objectives identified in the Keizer Station Design Plan, applicable zoning, and development strategies such as pedestrian access, safety and comfort, crime prevention and security, creation and protection of public spaces, human-scale building design, and requests for reallocation of retained square footage limits.
3. Any change in traffic generation must be within previously approved limits of the plan, or a new Traffic Impact Analysis (TIA) must support the change. (*Mr. Lindsay clarified for the record that "TIA" stands for Traffic Impact Analysis.*)
4. Public facilities must remain adequate to serve the development.

II. Conditional Use Permit Criteria (Keizer Development Code Section 3.103.03):

1. The proposed use must conform to the standards of the applicable zoning district.
2. The use cannot unduly be detrimental to properties in the vicinity.
3. The use must be consistent with the Comprehensive Plan.
4. The site must be physically suitable for the proposed use.
5. Adequate public facilities and services must be available.

Mr. Lindsay noted that the application also includes automotive services requirements under KDC Section 2.1104C, which includes additional criteria for: screening and buffering to adjacent residential uses; mitigation of aesthetic impacts of on-site stacking and queuing visible from the right-of-way or adjacent properties; employment of access management and control standards; and

compliance with TIA requirements under KDC Section 2.30104.

III. Property Line Adjustment Criteria (Keizer Development Code Section 3.106.04):

1. The adjustment cannot result in more parcels being created than originally existed.
2. The resulting parcels must meet all area and dimension standards of the code.
3. The adjustment must not locate lines in violation of setback and height provisions relative to existing structures.
4. The adjustment must involve only lots and parcels that have been lawfully created.
5. The adjustment cannot prohibit properties from accessing public right-of-way or an access easement.

Mr. Lindsay advised all participants that testimony, arguments, and evidence must be directed toward these criteria or other relevant criteria applicable to the land use proposal. He further advised that failure to raise an issue with sufficient statements or evidence to afford the Planning Commission and the applicant an opportunity to respond precludes appeal to the Land Use Board of Appeals on that issue. He also advised the applicant that failure to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity precludes an action for damages in circuit court.

Mr. Lindsay then asked the Commission members whether any had conflicts of interest, and each commissioner responded that they did not. He asked whether any commissioner had such extreme bias that they could not participate, and each responded no. He asked whether any commissioner had engaged in ex parte contact, and each responded no. Chair Lawyer added, for the record, that he had not answered the conflict-of-interest question aloud during the initial query and wished to clearly state for the record: no conflict of interest. Commissioner Scruggs likewise confirmed his response for the record. Mr. Lindsay confirmed that all members would participate in deliberations and the vote, and advised participants that any objections to bias, conflicts of interest, or ex parte contacts must be stated on the record prior to the close of the hearing.

Mr. Lindsay outlined the hearing format as follows:

1. Staff presentation and recommendation — Planning Director Shane Witham
2. Applicant presentation — 20 minutes
3. Persons in favor — 5 minutes each
4. Persons opposed — 5 minutes each
5. Others — 5 minutes each

6. Applicant rebuttal — 10 minutes

Staff Presentation — Planning Director Shane Witham

Planning Director Shane Witham presented the staff report for the combined application. He displayed the current adopted Master Plan for Keizer Station Area B and directed the Commission's attention to the specific area subject to the proposed amendment: a small, triangular-shaped parcel adjacent to the Keizer Transit Center, located at the corner of Keizer Station Boulevard and Chemawa Road.

Mr. Witham explained that the current Master Plan designates this area for a single 10,000-square-foot unnamed-use building (Building D). The proposed amendment would modify this designation from one 10,000-square-foot building to two buildings with a combined area of approximately 6,611 square feet — one to be a drive-through car wash and one to be a quick-lube oil change facility.

Background and Code History: Mr. Witham provided context regarding the December 2025 code amendment process, which the Commission had participated in previously. Prior to that amendment, the Keizer Station area had excluded all auto-oriented uses, drive-through windows, and similar uses. The 2025 code change created a narrow exception for the east side of Keizer Station Boulevard, permitting drive-through restaurants and automotive services (except repair) — Standard Industrial Classification No. 754 — as conditional uses. Both car wash and quick-lube oil change facilities fall within that use category, which is why a conditional use permit is required as part of this application.

Property Line Adjustment: Mr. Witham explained that the property line adjustment component of the application is, in practical terms, a lot consolidation. The triangular site is currently comprised of four separate tax map parcels — remnant pieces resulting from the historic development of Keizer Station, including the prior existence of a long, narrow house that once straddled the alignment of what is now Keizer Station Boulevard. In order to develop the site as proposed, the four parcels must be consolidated into one.

Master Plan Amendment: The master plan amendment is required because the proposal moves from one building to two buildings. Mr. Witham noted that the hearing had originally been scheduled for July 1 but was pulled at the applicant's request to allow time to work through site engineering issues, including questions related to grades and access.

Changes from Original Master Plan Access Concept: One notable difference between the original master plan concept and the current proposal is the elimination of a deceleration lane that had been depicted on the original master plan drawings. The original plan showed a deceleration lane leading into the site from Chemawa Road, feeding into a driveway. The current proposal eliminated the deceleration lane and instead provided a direct access driveway at the same general location. Mr. Witham noted that while he initially had concerns about this change — particularly regarding the potential for traffic stacking back toward the railroad tracks — those concerns were addressed by both the applicant's traffic engineer and the City's traffic engineer. He explained in plain terms: the original deceleration lane would have allowed vehicles to exit the travel lane before

turning into the site, but the current design instead stacked vehicles on-site at the same point where vehicles would have exited the through lane anyway. The City Engineer and transportation engineer reviewed the design and expressed support, finding that it could be appropriately mitigated given the proposed grading and site layout.

Supplemental Traffic Information: Because of the changes made since the application was initially submitted, a supplemental Traffic Impact Analysis letter and queuing analysis — dated July 20, 2026 — was submitted by the applicant's traffic consultant and included in the record. Mr. Witham noted that he received the stamped engineering version on July 21.

Agency Comments: Mr. Witham reported two agency comments received in response to the application:

- **PGE** submitted informational development requirement comments.
- **Cherriots (Salem Area Mass Transit District)** submitted comments expressing concerns regarding traffic and transportation. Mr. Witham noted that the Cherriots letter was written based on the initial application materials and may not have reflected the supplemental information subsequently provided by the applicant. The City's traffic engineer reviewed the Cherriots comments and the supplemental analysis and found the applicant's submittal supportable relative to the review criteria.

Additional Letter from Applicant's Consultant: Mr. Witham advised that on August 7, 2026, the applicant's consultant, Kittleson and Associates, submitted a letter in response to the Cherriots comments. Mr. Witham received the letter Friday afternoon but did not review it until Monday and distributed it to the Commission the day before the hearing. This letter is part of the official record.

Application Materials and Findings: Mr. Witham acknowledged the volume of materials provided to the Commission — approximately 170 pages — and briefly explained how staff organized the findings. Rather than revisiting all findings for the entire Area B Master Plan, staff focused the findings specifically on the criteria applicable to this amendment. Conditions of approval were presented in a redline/strikethrough format to clarify which conditions apply to which portions of the site and development. New conditions specific to this amendment — Conditions Nos. 58 through 84 — were added, primarily reflecting requirements from the City Engineer and Public Works Department.

Staff Recommendation: Mr. Witham stated that staff reviewed the application materials, prepared findings to the relevant review criteria, and recommended that the Planning Commission recommend approval of the application to the City Council, with conditions.

Questions for Staff

Commissioner Scruggs asked whether this was the same area discussed at the January meeting related to a prior amendment. Mr. Witham confirmed it was — the same triangular lot adjacent to the transit center at the corner of Keizer Station Boulevard and Chemawa Road, currently occupied by trees.

Commissioner Scruggs asked whether any existing trees would be retained. Mr. Witham stated that for the most part the site would be cleared and replanted, as the existing trees are located in the middle of the development footprint. He noted that a final tree removal and replacement plan must be submitted to and approved by the City, that a 2-to-1 replacement ratio is required, and that if replacement trees cannot all be accommodated onsite, the applicant may pay into the City's off-site mitigation fund for planting in parks, planter strips, or other publicly owned properties.

Commissioner Scruggs raised a question about signage, noting that this corner is the entrance to the entire Keizer Station complex. Mr. Witham explained that the existing Keizer Station monument signs at the corners of Keizer Station Boulevard would remain, as they were a requirement of the Keizer Station development overall. He stated that the applicant has not yet submitted a sign program. Under the Keizer sign code (Appendix A, Section 2.308), sign allowances are scaled to building size, with a maximum wall sign size of 150 square feet and freestanding signs limited to 20 feet in height for integrated business centers. He noted that the large pylon sign visible near the freeway was approved through a variance process and a master sign program specific to Area A and does not set a precedent here. As long as proposed signs comply with the sign code, they would be processed as over-the-counter permits.

Commissioner Scruggs expressed concern about pedestrian activity in the vicinity of the transit center, noting from a personal site visit that there was a surprising volume of foot traffic in the area. Mr. Witham confirmed that sidewalks exist along both Keizer Station Boulevard and Chemawa Road, and that the proposed conditions specifically address the sidewalk connection at the driveway access point, directing that the design ensure a safe pedestrian crossing. He invited City Engineer Walker to comment.

City Engineer Richard Walker noted that the sidewalk connection would be reviewed and addressed during the construction permitting phase, should the application proceed.

Applicant Presentation — Parish Burns, Entitlements Project Manager, Oil Stop, Inc. and Happy's Drive-Thru Car Wash

Parish Burns, Entitlements Project Manager for Oil Stop, Inc. and Happy's Drive-Thru Car Wash, presented on behalf of the applicant. Ms. Burns stated that the company was excited about the opportunity to provide vehicle maintenance services in such a prominent activity node in Keizer, and offered a two-part presentation: an overview of the company and its community values, and a review of how the application meets each of the applicable approval criteria.

Project Description: Ms. Burns described the two proposed buildings:

- **Drive-Through Car Wash:** Oriented toward Keizer Station Boulevard, approximately 5,000 square feet, with 20 self-service vacuum stalls. Customers remain in their vehicles throughout the service.
- **Oil Stop Service Center:** Oriented toward Chemawa Road, approximately 2,000 square feet, with 7 parking stalls. Customers also remain in their

vehicles during oil change service.

The site is approximately 1.4 acres, located at the corner of Chemawa Road and Keizer Station Boulevard, zoned Commercial Mixed Use. Adjacent properties — including the transit center and the undeveloped west side of Keizer Station Boulevard — share the same zoning designation. No residential uses are immediately adjacent.

Company Overview: Ms. Burns described the company's mission — "to serve people with excellence, humbly, and with a servant's heart" — and highlighted that the company currently operates approximately 33 oil change service centers and 8 car wash locations, primarily in California and Oregon, with additional locations in other western states. She noted the company's strong reputation for customer service across review platforms.

Approval Criteria — Master Plan Amendment:

Criterion 1: Substantial Conformance with Overall Character and Intent of the Adopted Master Plan. Ms. Burns stated the project complied because: automotive services (except repair) were a permitted conditional use on this portion of the site under the 2025 code amendment; the two proposed buildings have a combined size of approximately 6,600 square feet, less than the 10,000-square-foot building contemplated in the existing Master Plan; and the buildings were designed with quality materials consistent with Keizer Station design standards, including Hardie panel, split-face CMU, metal panel, vinyl graphics, architectural canopies over pedestrian doorways, and decorative trellises. On sides of the building where space permits, trellises would support vegetation and vines.

Criterion 2: Consistency with Original Master Plan Approval Criteria, Including Pedestrian Access, Vehicle Circulation, Crime Prevention, and Human-Scale Building Design. Ms. Burns stated that the project provided onsite pedestrian pathways connecting to both street frontages and linking between the buildings; vehicle maneuvering areas that met City standards; onsite stacking lanes designed to accommodate anticipated queuing at peak times; a full photometric lighting plan ensuring well-illuminated areas including all pedestrian paths; and human-scale design achieved through material variation, storefront glazing, awnings, wall sconces at pedestrian level, and decorative trellises. The oil stop building features stucco, stone base, and storefront glazing.

Criterion 3: Traffic Generation Within Previously Approved Limits or Supported by a New TIA. Ms. Burns stated that the technical analysis prepared by Kittleson and Associates — which has worked on the Keizer Station Master Plan historically — determined that traffic generation from the proposed uses is within the previously approved vested limits. The analysis compared the trip generation of the originally assumed 10,000 square feet of office use (25 PM peak hour trips) against the proposed car wash and oil stop, and determined that 10 vested trips remain after accounting for the proposed development.

She acknowledged that Cherriots submitted comments raising concerns about traffic safety, operations, stacking lanes, and whether the proposed development's vehicle traffic would interfere with transit center operations. She

noted that Chris Brehmer of Kittleson and Associates would address those concerns in detail.

Criterion 4: Public Facilities Remain Adequate. Ms. Burns stated that existing sanitary sewer, water, and fire protection services were available to the site; the transportation engineers determined the site can be safely served by the proposed driveway access points; and the site would capture and treat stormwater onsite prior to discharging to the public stormwater system.

Approval Criteria — Conditional Use Permit:

Ms. Burns reviewed the general conditional use criteria and the automotive-services-specific criteria:

- *Use listed as conditional use in the district:* Confirmed; automotive services (except repair) are conditionally permitted on the east side of Keizer Station Boulevard.
- *Suitable site characteristics:* The triangular corner lot is well-suited for the directional flow of drive-through services; the site has adequate dimensions to comply with all development standards including setbacks, height, and building coverage; landscaping exceeds the minimum requirement.
- *Adequacy of transportation systems and public facilities:* Addressed through the technical traffic and utilities analysis submitted with the application.
- *Use will not alter character of surrounding area in a manner limiting surrounding properties:* Ms. Burns stated the use was consistent with the Area B activity center designation and added economic vitality to the master plan area.
- *Consistency with Comprehensive Plan goals and policies:* Ms. Burns stated the project's design aesthetic, quality materials, and service offering are in line with the Comprehensive Plan.

On the automotive-services-specific criteria:

- *Screening and buffering:* While there are no adjacent residential uses, the perimeter landscaping plan provided continuous evergreen shrubs at a minimum of 30 inches in height along the stacking lane frontages, with trees and shrubs also along the Keizer Station Boulevard frontage. Ms. Burns highlighted the landscaping in green on the site plan, noting that the car wash landscaping also provided buffering for the oil stop stacking lane.
- *Pedestrian pathways:* Ms. Burns highlighted in blue on the site plan the onsite pedestrian connections to both street frontages, between buildings, and to the transit center — including two connections near the corner and one aligning with the transit center's existing pedestrian path. She noted these crossings will be stamped concrete to differentiate them

per code and conditions.

- *Access management:* The site provided a single right-in-only access off Chemawa Road, with all egress directed through the shared transit center access driveway and signal.
- *TIA compliance:* Addressed through submitted technical reports.

Approval Criteria — Property Line Adjustment:

Ms. Burns summarized the property line adjustment criteria quickly, noting that the consolidation of four parcels into one satisfied all five criteria: no additional parcels were created (the number was reduced from four to one); the consolidated lot complies with all dimensional standards; no structures were affected by setback or height provisions; all parcels were lawfully created as confirmed by the title report; and access to public right-of-way was maintained through both the transit center access easement and the right-in-only driveway from Chemawa Road.

Ms. Burns concluded her presentation and invited questions from the Commission.

Applicant's Consultant Presentation — Chris Brehmer, PE, Senior Principal Engineer, Kittleson and Associates

Chris Brehmer, PE, Senior Principal Engineer with Kittleson and Associates, addressed the Commission to specifically address the Cherriots' comments. He began by thanking City staff, noting that the collaborative back-and-forth between the applicant's team and City staff — particularly City Engineer Walker — had produced a stronger site plan.

Mr. Brehmer acknowledged that the Cherriots comments raised important points and that he himself was a daily transit commuter. He identified the core concern raised by Cherriots: that the Keizer Transit Center was originally designed to accommodate full-capacity operations, and that future transit trips could be significantly higher than current levels — as many as 165 PM peak hour trips in a 2031 full build-out scenario.

Mr. Brehmer described the supplemental analysis submitted in the August 7, 2026 memorandum from Kittleson and Associates:

- Current traffic counts at the signal serving the transit center were taken this spring.
- Future year 2031 analysis was conducted, adding: the full 165 Cherriots-projected transit trips; future trips from the undeveloped Area B west side; the proposed car wash and oil stop trips; and a 2% annual regional growth factor (totaling approximately 10% over five years to 2031).
- The traffic signal was analyzed under this fully built-out, worst-case scenario.

The results showed that the traffic signal operated at Level of Service (LOS) A — well within the City's acceptable range, operating at less than 0.5 of its capacity

— and that the queuing storage onsite and in the shared transit access aisle was adequate to accommodate projected peak demand.

Mr. Brehmer expressed regret that not all parties had adequate time to review the supplemental memo prior to the hearing, but stated that he was confident the additional analysis demonstrates that the system will work for all parties — including the transit center — through the 2031 horizon.

Questions for Applicant and Consultant

Commissioner Grenz thanked the applicant for the presentation and asked Ms. Burns about the south-facing elevation of the car wash building. Ms. Burns clarified that the east-facing elevation — facing the oil stop building — was not a storefront. The interior-facing window visible on the elevation was a manager's access window used operationally; the adjacent area houses equipment for the car wash tunnel and was not accessible to the general public.

Commissioner Grenz then asked Mr. Brehmer to explain the trip debiting process. Mr. Brehmer explained the methodology using a "checking account" analogy: when the original Keizer Station Area B traffic study was conducted circa 2010, an estimate of trips for each use and parcel was established, creating a bank account of total allowable trips. As individual buildings and uses are approved and built, those trips are "debited" from the account. For this application, Kittleson looked at how many trips were currently going in and out of the transit center (through actual driveway counts, since the transit center is the only facility on the parcel) and added the projected trip generation from the proposed car wash and oil stop using the Institute of Transportation Engineers (ITE) national database. The resulting total was compared against the trips originally assumed for the parcel, and the analysis showed that 10 vested trips remain.

Commissioner Grenz then asked where in the Keizer Development Code or Public Works Design Standards the trip-debiting methodology was prescribed. Mr. Brehmer stated that the Master Plan has a two-tiered approach: the first tier allowed an applicant to demonstrate through trip debiting that the project is within the vested total; if successful, the analysis could stop there. If the full master plan build-out were reached, a comprehensive new traffic study would be required. He acknowledged there is no explicit code provision prescribing the specific methodology. Mr. Witham added that historically, applicant traffic engineers submit a traffic study that is reviewed and either accepted or not by the City's traffic engineer. He noted that the code criteria require demonstrating that overall vehicle trips are not increased, but does not prescribe a specific methodology to make that showing.

Commissioner Lopez asked about current versus projected transit center trip counts. Commissioner Grenz directed Commissioner Lopez to Table 4, Area B East Side Trip Debiting, on page 68 of the packet, which reflected that the transit center currently generates 51 evening peak hour trips.

Commissioner King asked about parking for employees, noting that with 8 to 10 employees projected onsite at peak times and only 8 non-vacuum parking stalls, there appeared to be a shortfall. Ms. Burns explained that some employees may not drive; those who do would park in the vacuum stalls when necessary, noting

the company prefers to have more than enough vacuum stalls available and uses excess stalls for employee parking at other locations when needed.

Chair Lawyer asked about the egress configuration, noting from page 35 of the application — an aerial rendering of both buildings — that the right-in-only access is off Chemawa Road and all egress is through the shared transit center access to the traffic signal on Keizer Station Boulevard. Mr. Brehmer confirmed this. Chair Lawyer then raised a behavioral concern about vehicles using the right-in-only driveway as a cut-through to bypass the signal — a pattern he noted occurs regularly at the nearby 7-Eleven. Mr. Brehmer acknowledged the possibility but noted that cut-through traffic would still need to stop and yield to traffic on the shared transit aisle before making a left turn onto the main street, making the bypass route less convenient than it might appear. He also noted that the applicant, as a private property owner, could install speed bumps or other traffic control measures if cut-through traffic became a problem, as it would not be in their interest to have their site used as a bypass route.

Councilor Juran asked what percentage of the transit center's projected capacity it currently operates at, given that the 2010 study had assumed a certain level of ridership. Mr. Brehmer deferred to Ms. Burns.

Ms. Burns stated that current counts conducted by Kittleson this spring showed the transit center was operating at approximately 31% of the maximum 165 projected trips — a figure below even the opening-year projections from 2010. She noted that the transit center's fiscal year 2027 plan includes no expansion funding, and that while Cherriots is conducting public outreach regarding future service, a 70% increase in transit trips over the next six years without an identified funding plan appears unlikely. She stated that even applying the most conservative analysis — assuming Cherriots reaches full 165-trip capacity — the Kittleson analysis demonstrates the intersection still operates at LOS A.

Chair Lawyer asked Ms. Burns about the lighting plan and measures to mitigate light pollution toward the surrounding neighborhood. Ms. Burns stated that all light fixtures would be downcast LED fixtures consistent with code requirements and the photometric plan submitted with the application. She confirmed there would be no floodlights or angled fixtures directed outward.

Chair Lawyer also raised a concern about sound from the 20 vacuum stalls. Ms. Burns clarified that the vacuums are not individual units — they are housed within a roofed, CMU-enclosed vacuum equipment enclosure with a door. The equipment lines run underground to individual hoses at the vacuum stalls. She described the setup as remarkably quiet from the exterior and noted the enclosure was designed with sound mitigation built in, even where adjacent properties are not residential, because the company holds itself to good-neighbor standards.

Commissioner Scruggs asked whether the fire bureau had reviewed the site for entrance and egress. Mr. Witham confirmed that there had been back-and-forth with the fire district during the engineering review process, resulting in modifications to the site plan including designated red-curb fire lanes. Ms. Burns elaborated, noting that the fire district initially required a fire turnaround, which

was not included in the original site plan. The applicant responded by creating an internal loop — when entering from the shared transit driveway and turning right toward the car wash, a path veers left before the vacuum enclosures to create a complete fire truck loop. The applicant also widened the right-in-only driveway from Chemawa Road to provide fire access clearance (20 feet of overhead clearance) while not widening the pavement so as to avoid any confusion about its one-way designation. Mr. Witham and Ms. Burns confirmed that waste hauler access requirements were also verified.

Opposition Testimony — Shofi Ull Azum Shofi, Chief Planning and Development Officer, Salem Area Mass Transit District (Cherriots)

Shofi Ull Azum Shofi, Chief Planning and Development Officer of the Salem Area Mass Transit District (Cherriots), addressed the Commission on behalf of Cherriots. Mr. Shofi stated that Cherriots appreciates the opportunity to comment on Master Plan Amendment 2026-06 and underscored that as the provider of public transit in the area, Cherriots is focused on ensuring safe, reliable access for current and future riders at the Keizer Transit Center.

Mr. Shofi stated that the Traffic Impact Analysis submitted with the amendment does not reflect the level of use already anticipated in the approved Keizer Station Area B Master Plan, and that the approved trip limit already reflects the Master Plan's 2031 build-out assumptions. Under those assumptions, he stated, the proposed development — Oil Stop, Inc. and Happy's Drive-Thru Car Wash — would exceed the master plan's approved trip limit by 104 evening peak hour trips. He stated this would result in congestion, delay, and safety concerns for both the proposed development and the existing transit center.

Mr. Shofi noted that Cherriots submitted its first set of comments on June 11, 2026, in advance of the originally scheduled July hearing, and submitted them a second time. He acknowledged that Mr. Witham had called him that afternoon to share the supplemental documents from Kittleson and Associates, and that he had reviewed those documents as much as possible given the short timeframe. He stated that despite reviewing the supplemental materials, he remained concerned about congestion, particularly given that buses at the transit center sometimes arrive back-to-back, leaving little clearance between buses and the boundaries of the transit center's access areas. He expressed concern that additional traffic could cause delays that force Cherriots to spend more money maintaining the same level of service. He also stated that Cherriots is planning to expand transit service in the Keizer area — meaning more pedestrians and more buses will be circulating in the vicinity — and that the cumulative impact of this development combined with future development on the west side of Keizer Station Boulevard remains a concern.

For all of these reasons, Mr. Shofi stated that Cherriots respectfully recommends that the Planning Commission deny Master Plan Amendment 2026-06.

Chair Lawyer asked Mr. Shofi to confirm that he had received the supplemental Kittleson documents that afternoon and that his comments were not necessarily a full response to the supplemental analysis. Mr. Shofi confirmed this was the case and reiterated his concern that under the original master plan assumptions,

the proposed development would generate 129 PM peak hour trips versus the 25 originally assumed for the parcel — a difference of 104 trips.

Commissioner Scruggs asked about Cherriots' anticipated growth in terms of routes and usage, and whether Cherriots would need additional space. Mr. Shofi stated that Cherriots is working on a service enhancement plan that includes additional routes in both Keizer and Salem, but that no expansion plan is final or funded yet. He clarified that the growth he was describing is in service frequency — more buses in and out — not in the physical footprint of the transit center.

Commissioner Lopez asked about the current trip count at the transit center. Commissioner Grenz directed Commissioner Lopez to Table 4 in the packet, which showed the transit center currently generating 51 evening peak hour trips. This was confirmed by Mr. Witham.

Interested Persons Testimony — Nadine Stoltz and William Stoltz, Keizer

Nadine Stoltz, a Keizer resident living on Dennis Ray — directly behind a portion of Area B — addressed the Commission. Ms. Stoltz stated that her question concerned whether the approval of drive-through uses on the east side of Keizer Station Boulevard would affect or open the door to similar uses on the west side of Keizer Station Boulevard, specifically along Lock Haven and McLeod, adjacent to her neighborhood. She noted the community had engaged in the prior code amendment process and asked for clarity that this application does not change anything on the west side.

Mr. Witham responded directly, explaining that the 2025 code amendment — which went through the Planning Commission, City Council, and a community meeting — explicitly limited auto-oriented conditional uses to the east side of Keizer Station Boulevard. The west side remained designated for the uses currently in the master plan, including the previously approved 24,000-square-foot movie theater site. He confirmed that no changes were being proposed to the west side as part of this application. Mr. Witham further stated that for any drive-through or auto-oriented use to be permitted on the west side, the applicant would have to go through the entire code amendment process again — a process that had already been tested and resulted in a narrowly scoped outcome. Ms. Stoltz expressed satisfaction with the clarification.

William Stoltz, also a Keizer resident at 2027 Dennis Ray, addressed the Commission. Mr. Stoltz stated that his wife's questions had addressed his primary concerns about the east-side designation and that he was personally comfortable with the proposed businesses going on the triangular lot. However, he raised a philosophical question: once the development is in place, if traffic volumes turn out to be higher than projected, what adjustment mechanisms exist? He asked how the City responds when an estimate turns out to be wrong.

Mr. Witham responded by explaining that cities regularly respond to growth over time — streets get widened, traffic signals get retimed, intersections are expanded. He noted that the purpose of professional traffic engineering studies was to project future conditions as accurately as possible, using data and growth rates, to ensure intersections do not fail and congestion does not become unmanageable. He noted that this site benefits from an already-signalized

intersection — one that was installed in anticipation of the theater that was never built — and that the intersection was currently operating well within acceptable levels. Mr. Stoltz acknowledged the response and thanked the Commission.

Applicant Rebuttal — Chris Brehmer, PE, and Parish Burns

Chris Brehmer responded to Mr. Shofi comments on behalf of the applicant. He acknowledged that the supplemental memorandum was received by Cherriots only that afternoon and expressed appreciation for Mr. Shofi's participation nonetheless.

Mr. Brehmer stated that if the Commission had only the original trip-generation analysis before it, he would share some of the concerns raised. However, he emphasized that the August 7 supplemental memo directly addressed the question Mr. Shofi posed: what does the system look like in 2031 if the transit center reaches its full projected 165-trip capacity? He summarized the supplemental analysis:

- Current count: 51 evening peak hour transit trips.
- Future 2031 analysis: 165 transit trips (a more than threefold increase), plus full development of Area B west side, plus Area C trips to the south, plus the proposed car wash and oil stop trips, plus 2% annual regional growth.
- Result: The traffic signal operates at LOS A — less than 0.5 of capacity.

Mr. Brehmer stated that as a transit user himself, he understands the operational dynamics of buses — longer vehicles, multiple buses arriving together — and noted that these factors were accounted for in the analysis. He expressed full confidence in the results, noting his ethical obligation as a licensed professional engineer is to ensure the system works for the public.

He also addressed Commissioner Grenz's earlier concern regarding pass-by trips. He explained that published, professionally stamped research indicates that approximately 80% of car wash trips are "pass-by trips" — trips made by drivers who are already on the road network (commuting home, for example) and who stop as a matter of convenience. Mr. Brehmer noted that the trip generation estimate submitted with the application did not apply any pass-by trip reduction — a conservative approach — meaning the 129 projected PM peak hour trips were treated as 100% new trips to the network. In reality, after applying the pass-by reduction, the net new trips added to the broader road network (Chemawa Road and beyond) would be on the order of 10 additional peak hour trips — a negligible impact. This distinction, he noted, is important when evaluating cumulative impacts on surrounding streets rather than solely at the project driveway.

Commissioner Grenz acknowledged Mr. Brehmer's response but reiterated his process concern, stating that his core issue was not with the traffic engineering analysis itself, but with whether the evidence in the record was sufficient to demonstrate compliance with the specific applicability criterion under KDC Section 3.113.06.A.1 — that site plan changes cause no increase in overall

vehicle trips. He stated clearly that the application replaces an assumed 25-trip office use with a 129-trip car wash and oil stop, and that, regardless of the pass-by methodology, that represented more trips, and he had not seen findings in the record adequately addressing the methodology for trip debiting.

Commissioner Scruggs asked Mr. Brehmer about the basis for the 2% annual background growth rate. Mr. Brehmer explained that 2% per year — totaling approximately 10% over the five-year period to 2031 — is a standard conservative near-term growth rate, slightly higher than the long-term 20-year projected rate for the city, and is appropriate and accepted for near-term traffic analyses.

Commissioner Grenz pressed on the trip debiting methodology, acknowledging he knows just enough about traffic engineering to raise the concern. He noted that the 330 PM peak hour trips allocated to all of Area B includes 165 reserved for the transit center, 129 now being requested for the proposed development, 70 for a medical office, 30 for additional office, and 60 for shopping — a total of 454 trips — which would overdraw the 330-trip budget by 124 trips. He stated his concern was not just for the intersection immediately adjacent to this site, but for the last developer to come forward who would bear the burden of a depleted trip bank, or for the taxpayer who would ultimately foot the bill. He stated again: he loved the project, wanted to support it, but does not see sufficient evidence in the record to demonstrate that the project meets the applicability standard for a master plan amendment.

Mr. Brehmer acknowledged the point and stated that he did not want to get into a debate over how many trips should be reallocated between different parcels. He noted that the physical constraints of the Cherriots parking lot — which was built with fewer parking spaces than originally planned — suggest that the transit center may not reach 165 trips in practice. He stated that in his professional judgment the system has enough capacity, but acknowledged the point is not easily resolved in the meeting setting. Mr. Witham offered that the master plan amendment criteria do not specify the methodology for demonstrating that trips are not increased, and that staff accepted the applicant's approach based on the professional engineering analysis, noting that the two-tiered framework in the master plan provided a pathway for this kind of analysis. He acknowledged Commissioner Grenz's concern as legitimate and thoughtful.

Chair Lawyer noted a concern about the analysis being limited to weekday PM peak hours, stating that Saturdays at Keizer Station can be "an absolute disaster" for traffic in the area. Mr. Brehmer confirmed that for the signal operations analysis, weekday evening peak hour counts are the city standard. For the car wash queuing analysis, Kittleson also analyzed a midday Saturday scenario to ensure adequate onsite queue storage during the car wash's busiest period. Commissioner Grenz noted for the record that the Keizer Development Code TIA requirements specifically require traffic counts to be taken on a Tuesday, Wednesday, or Thursday during the school year.

Commissioner Witters raised the point that a subscription-based car wash model might increase the proportion of trip-generated traffic that is intentional rather than pass-by, as subscribers might go out of their way to use the wash rather than stopping only as a convenience while already driving by. Mr. Brehmer

acknowledged the point as fair, noting there are trade-offs — subscription holders may also choose to visit during off-peak hours rather than during the most congested periods.

Close of Public Hearing

No requests were made to continue the hearing or to add additional evidence to the record. City Attorney Lindsay noted that no such requests had been made by any party and that the hearing could be closed. Chair Lawyer closed the public hearing at 8:00 p.m.

Deliberations

Chair Lawyer consulted with City Attorney Lindsay on the appropriate deliberations procedure. Mr. Lindsay indicated that given the substantive deliberative discussion that had already taken place, the most efficient path would be to proceed directly to a motion and then continue discussion in that context.

Commissioner Lopez asked for the page reference for the proposed motion language in the staff report. Mr. Witham directed the Commission to the recommendation section at the top of the staff report.

Motion:

Commissioner Scruggs moved the Planning Commission recommend approval of Master Plan Amendment/Property Line Adjustment/Conditional Use Permit Case 2026-06, with conditions, to City Council for consideration. Commissioner King seconded.

Discussion

Commissioner King stated that the applicant did a thorough job presenting the criteria and the traffic analysis. She stated that while she was not a traffic engineer, she trusts that both the applicant's engineer and City staff have applied professional standards, and that the application meets the City's requirements. She expressed her personal support for the project and added that she looked forward to having the car wash available near Keizer Station, which she frequents regularly.

Commissioner Lopez commented that he could not see himself creating additional traffic simply to visit a car wash, comparing it to waiting in line at other high-traffic businesses.

Commissioner Witters addressed the Cherriots concerns, noting that buses regularly adapt their behavior to manage spacing in shared access environments and that the buses exiting the transit center via the signal will continue to be controlled by the light, which does not change. He stated he felt the applicant had adequately addressed the concerns about pedestrian safety, lighting, sound, and traffic, and that all the land use criteria — master plan amendment, conditional use, and property line adjustment — had been addressed adequately.

Commissioner Grenz reiterated his position at length for the record. He stated that he knows where his fellow commissioners stand and is not trying to change their votes, but he felt that it was important to articulate his reasoning clearly. He stated that process mattered. He had been on the other side of the dais representing applicants who were told the process they proposed was not the right one, and he felt bound to apply the same standard here.

Commissioner Grenz stated that the applicability criterion for a master plan amendment under KDC Section 3.113.06.A.1 requires that site plan changes cause no increase in overall vehicle trips generated. The evidence in the record showed that the prior use assumption for this parcel was 25 PM peak hour trips (10,000 square feet of office), and the proposed use was projected to generate 129 PM peak hour trips. That is more trips. The applicant's response — that the system operates at LOS A even with full build-out — addressed operational capacity but did not, in Commissioner Grenz's view, constitute findings demonstrating that trips have not increased per the applicable criterion. He stated he saw no analysis in the record explaining the methodology for reallocating or debiting vested trips from one use to another, and noted that Cherriots' vested 165 trips cannot simply be assumed away. He expressed concern for the future developer who will arrive to find the trip bank overdrawn, and for the taxpayer who may bear that cost. He stated: "I love this project. I want to support it. I just don't see the evidence to demonstrate that it meets Keizer Development Code 3.113.06.A.1 — the applicability criteria for an amendment."

Commissioner Grenz noted that there are pathways to get Happy's Car Wash and Oil Stop approved — including amending more of Area B to redistribute trips from the west side to account for the increase on the east side — but stated that this application, as currently constituted, does not meet the applicability standard for a master plan amendment.

Chair Lawyer acknowledged the duality of his own position. He stated he trusted the work of Mr. Witham, City Engineer Walker, and the professional engineers involved, and found the operational analysis credible. However, he stated that he also struggles to find, in purely mathematical terms, that this project does not add trips when comparing 25 to 129. He acknowledged that "the math maths," as he put it, and stated that while he valued the in-situ analysis showing the intersection operates well within acceptable parameters, his concern about future planning for Area B West — and for future developers or taxpayers who may inherit a depleted trip bank — made it difficult for him to fully embrace the amendment as presented. Chair Lawyer stated he was conflicted but could not, in good conscience, say with certainty that future planning would not be impacted.

Mr. Witham offered that the staff recommendation stands and that the findings as written represent staff's professional judgment. He acknowledged that he could have provided more robust findings on the methodology question after hearing deliberations, and that the applicant would have the full opportunity to present additional evidence before City Council.

City Attorney Lindsay confirmed that the Planning Commission's action is a recommendation only, and that the applicant — and any other party — would

have the opportunity to present additional evidence at the City Council hearing.

Vote:

Motion passed as follows: King, Scruggs, Witters, and Lopez in favor with Lawyer and Grenz opposed and one open position.

It was noted that the Planning Commission's recommendation of approval of Master Plan Amendment / Property Line Adjustment / Conditional Use Permit Case 2026-06, with conditions, would be forwarded to the Keizer City Council for consideration. Chair Lawyer thanked the applicant, consultant, and all members of the public for their attendance and testimony.

**5. NEW-OLD
BUSINESS/STAFF
REPORT**

Planning Director Shane Witham provided the following informational updates:

Windsor Island Road Comprehensive Plan Zone Change: A Comprehensive Plan zone change for property on Windsor Island Road is scheduled to go before City Council on Monday, August 17, 2026. The application was heard by the Hearings Officer in July. The proposal involves a 118-lot subdivision — the largest detached single-family residential subdivision Mr. Witham could recall in recent years, with approximately eight townhome lots included in the mix.

Transportation System Plan (TSP) Update: An Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the City's TSP update has been signed and is awaiting a countersigned copy from ODOT. A notice to proceed is anticipated shortly, initiating the formal TSP update process.

Keizer Station Trader Joe's: Tenant improvement permits have been issued for the shell buildings at Keizer Station adjacent to REI. An official tenant improvement permit has been filed for a Trader Joe's at that location.

Upcoming Hearing — September 9, 2026: A variance application received the prior week was scheduled for a public hearing before the Planning Commission on September 9, 2026.

**6. COUNCIL
REPRESENTATIVE
REPORT**

Councilor Juran didn't have anything to report.

**7. COMMISSIONER
REPORTING TO
COUNCIL:
Lindsey King on
TUES, Sept, 8th at
6pm**

It was noted that Commissioner King would report to Council on August 17th.

Commissioner Scruggs noted he will be absent from the October 14, 2026 Planning Commission meeting due to travel.

Commissioner Lopez confirmed that September 9, 2026 would be his final Planning Commission meeting, as he did not apply for reappointment. Chair

Lawyer indicated that remarks honoring Commissioner Lopez's service would be offered at the September meeting.

8. NEXT MEETING: It was noted that the next meeting would be on September 9th.
September 9th -
6pm

9. ADJOURNMENT Meeting adjourned at: 8:25 p.m.

Minutes approved: _____



Planning Commission Meeting Date: September 9,
2026

To: Planning Commission
From: Shane Witham, Planning Director
Subject: Minor Variance Request: Accessory Structure Size of 900 sqft..

Proposed Motion

I move the Planning Commission to direct staff to prepare an Order approving Minor Variance Case 2026-10 as outlined in the staff recommendation, along with any identified changes.

or

I move the Planning Commission to direct staff to prepare an Order denying Minor Variance Case 2026-10, and prepare findings (as identified by the Planning Commission) as to how the request does not comply with the relevant review criteria.

I. Summary

The applicant is requesting Minor Variance approval to allow a 900 square foot accessory structure to be built on their property located at 4090 Rivercrest Drive N, where the Keizer Code only allows 750 square feet in area. In addition the applicant is requesting a minor variance to allow the height of the structure to exceed the height of the main home.

II. Background

- A. An application was received by the planning department requesting approval of a Minor Variance to allow for the construction of a 900 square foot accessory structure, where the Keizer Code allows a maximum size of 750 square feet in area. The applicant has also requested to increase the height of the accessory so that it exceeds the height of the existing home.
- B. Variance requests are heard by the Planning Commission, which has final decision-making authority for approval or denial.
- C. The staff recommendation is attached for your consideration, which includes recommended findings and conditions. The staff recommendation supports approval of the variance request for the size of the structure, but recommends denial of the request for the increased building height.

III. Current Situation

The property owner wishes to construct an accessory building larger than what the Keizer

Code allows. Therefore, a variance has been requested. Staff has processed the application as outlined in the Keizer Code. The staff report provides relevant details and systematically addresses the review criteria for the Minor Variance request, providing findings on how the proposal complies with the review criteria for the requested increase in building size. Findings are also provided demonstrating the application does not comply with the relevant review criteria to allow for the proposed increase in building height. Therefore staff is recommending a limited approval of the applicant's request, as opposed to a complete denial.

The staff recommendation, along with the applicant's submitted application materials, and the comments received are attached for Planning Commission's consideration.

The Planning Commission should open the public hearing, receive testimony, close the public hearing, deliberate, and make a final decision regarding the variance application.

IV. Analysis

- A. **Strategic Impact** - n/a
- B. **Financial** - n/a
- C. **Timing** - The time and place for the public hearing has been noticed and published as required by the Keizer Code.
- D. **Policy/Legal** - The process for a Minor Variance request has been followed as outlined in the Keizer Code.

V. Alternatives

- A. Approve the variance request as outlined in the staff recommendation, with any identified changes/modifications and direct staff to prepare an order.
- B. Deny the variance request and direct staff to prepare an order and findings demonstrating how the request does not comply with the relevant review criteria.
- C. Continue the public hearing to a future date to allow additional testimony or leave the record open for a set timeframe to allow for additional information, and take up the matter at a future meeting.

VI. Recommendation

Staff recommends that Planning Commission approve the variance request as outlined in the staff recommendation with any identified changes, and direct staff to prepare an Order approving the request.

Attachments

- 1. STAFF RECOMMENDATION VAR 2026-10 RIVERCREST
- 2. Application Materials



KEIZER PLANNING DEPARTMENT

STAFF RECOMMENDATION TO PLANNING COMMISSION

Minor Variance Case 2026-10

DATE: September 2, 2026
TO: City of Keizer Planning Commission
FROM: Dina Horner, Assistant Planner
THROUGH: Shane Witham, Planning Director
SUBJECT: Minor Variance Case No. 2026-10
HEARING: September 9, 2026

I. GENERAL INFORMATION

- A. **APPLICANT/OWNERS:** Michael O'Neal and Maria E. Torres
- B. **PROPERTY LOCATION:** The subject property is located at 4090 Rivercrest Drive N, Keizer. The Marion County Tax Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 03DD; Tax Lot 10000. (Exhibit 1)
- C. **PARCEL SIZE:** The subject property is approximately 0.45 acres in area.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property is developed with an existing single-family dwelling and a 196 square foot non-conforming accessory structure located in the front yard. The property is served by public water and sewer.
- E. **ZONING:** The subject property is designated LDR (Low Density Residential) in the Comprehensive Plan and is zoned RS (Residential Single Family).
- F. **ADJACENT ZONING AND LAND USES:** The surrounding properties are zoned RS and are developed with single-family dwellings.
- G. **PROPOSAL:** The applicant is requesting approval of a Minor Variance to permit the construction of a 900-square-foot detached accessory structure on a parcel zoned RS. The proposed structure exceeds the maximum accessory structure area of 750 square feet permitted by Keizer Code Appendix A, Section 2.313, when no attached garage exists. The applicant also proposes that the accessory structure extend approximately 9 to 12 inches above the height of the primary building. (Exhibit 2)
- H. **NOTICE:** Public notice was mailed, published and posted consistent with notice requirements in Keizer Development Code (KDC) Section 3.204.

II. COMMENTS

- A. The Keizer Public Works department and the City of Salem Planning Department responded they have reviewed the proposal and have no comments.
- B. A notice requesting comments was mailed to property owners within 250 feet of the subject property. Two written responses were received:
- Dan and Robyn Bishop, residents of 4125 Rivercrest Drive N submitted comments in support of the application. (Exhibit 3)
 - Jaime Padilla, resident of 680 Larry Avenue N responded they had reviewed the proposal and had no comments. (Exhibit 4)

III. FINDINGS

The review criteria for a Minor Variance are contained in Section 3.105.04 of the Keizer Development Code. The criteria and findings are listed below:

- A.
1. ***The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or***
 2. ***The variance requested is consistent with the intent and purpose of the provision being varied; or***
 3. ***The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied.***

FINDINGS: The purpose of this criterion is to ensure that a variance is granted only when the underlying intent of the code is maintained or when unique circumstances place an undue burden on the applicant compared with other properties subject to the same standards. The RS zone is intended for single-family residential development and compatible uses. Accessory structures are permitted subject to the standards of KDC Section 2.313. These standards are intended to maintain neighborhood character, prevent accessory structures from dominating residential lots, preserve open space, and ensure that accessory structures remain subordinate to the primary dwelling.

The subject property is developed with a single-family dwelling and does not contain an attached garage. It is located in an established neighborhood of similar homes. The parcel is approximately 0.45 acres, approximately 140 feet deep, and generally regular in shape or natural features that restrict development. The Applicant has identified an elevation change between the existing primary building and the location of the proposed accessory structure as a consideration affecting the proposed design.

Accessory Structure Size - KDC Section 2.313.01.E limits detached accessory structures to 750 square feet when no attached garage exists. The applicant proposes a 900-square-foot detached accessory structure, representing a 20% increase over the maximum permitted area.

The subject property is approximately 0.45 acres, or 19,602 square feet. The proposed accessory structure will be located in the rear yard and will comply with the applicable setbacks and lot-coverage requirements. Its location will not restrict the future development potential of the property, as sufficient side-yard area will remain available for additional improvements or development consistent with the RS zone. The KDC permits accessory structures to occupy up to 20% of the yard area, and the proposed structure will occupy significantly less than the maximum permitted coverage.

Given the size and depth of the parcel, the rear-yard location of the proposed structure, and the remaining open side-yard area, the proposed 900-square-foot structure is not expected to dominate the property or the surrounding neighborhood. Staff finds that allowing the additional 150 square feet is consistent with the intent and purpose of the accessory-structure area limitation. Therefore, Criterion 2 is satisfied for the requested increase in accessory-structure area.

Accessory Structure Height - KDC Section 2.313 provides that a detached accessory structure shall not exceed the height of the primary building. The existing primary building is 18 feet tall, and the proposed accessory structure would be a minimum of 9 inches taller. The applicant requests approval for up to one foot of additional height.

The applicant states that the proposed design represents the minimum height necessary to accommodate the elevation change between the existing dwelling and the proposed garage while maintaining a roof pitch that matches the dwelling. The applicant further explains that measuring the garage height from the front of the proposed structure would have provided more than six feet of attic space but would have resulted in the garage extending approximately three feet above the existing dwelling. To minimize this difference, the applicant proposes a design that would extend approximately 9 inches above the primary building.

Staff acknowledges that the proposed design reduces the height difference that could otherwise result from the site's elevation change. However, the applicant has not demonstrated that the accessory structure cannot reasonably be designed to comply with the requirement that it not exceed the height of the primary building. Potential alternatives may include modifying the finished grade where permitted, lowering the roof pitch, reducing the wall or plate height, reducing the proposed attic space, or otherwise revising the building design. Although matching the roof pitch of the primary building may provide architectural consistency, a matching roof pitch and the inclusion of additional attic space are design preferences and do not establish that the additional height is necessary to reasonably develop or use the accessory structure.

Unlike building area and lot coverage, the effect of additional height cannot be evaluated solely by comparing numerical measurements to the size of the property. The height standard is intended to preserve the visually subordinate relationship of an accessory structure to the primary building. Therefore, even a relatively small numerical increase may affect the structure's visual prominence when its roofline extends above that of the primary building.

Staff finds that the site's elevation change creates a design consideration but does not make the height standard inapplicable. The applicant has not demonstrated that the available design alternatives are infeasible or that compliance with the requirement that the accessory structure not exceed the height of the primary building would impose an undue burden that is grossly disproportionate to the burden borne by other properties subject to the same standard. Allowing the garage to exceed the height of the primary building would also be inconsistent with the purpose of maintaining the accessory structure as visually subordinate to the primary building.

Staff finds that Criterion A.2 is satisfied for the requested increase in accessory-building area from 750 square feet to 900 square feet. However, staff finds that none of the alternatives under Criterion A are satisfied for the requested increase in height. The additional height has not been demonstrated to be necessary for the reasonable development of the accessory structure, and the applicant has not established that the garage cannot be redesigned to comply with the requirement that it not exceed the height of the primary building.

B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development.

FINDINGS: The proposed accessory structure will be located in the rear yard. The applicant proposes a 900-square-foot structure where 750 square feet is permitted and a maximum height increase of one foot above the height of the existing primary building.

At approximately 0.45 acres, the subject parcel is larger than a typical residential subdivision lot. The proposed accessory structure has a wall height of 9 feet 6 inches, requiring a minimum 2-foot setback from the property line and 6 feet of separation from the primary building. As proposed, the structure will comply with these requirements, as well as the applicable lot-coverage standards, leaving substantial open area on the property. Compliance with these standards will be verified during building permit review.

The additional 150 square feet of building area is not expected to unreasonably affect adjacent existing or planned uses. Given the size of the parcel, the rear-yard location of the structure, and the remaining open yard area, the increased floor area will not cause the structure to dominate the property or the surrounding neighborhood.

Dan and Robyn Bishop, nearby residents, submitted comments in support of the application. Jaime Padilla, an adjacent resident, indicated that they had reviewed the proposal and had no comments. No comments identifying adverse impacts were received.

As a condition of approval, the accessory structure must be located substantially as shown on the applicant's site plan. All other applicable development standards will remain in effect and will be reviewed during building permit review.

Staff concludes that the development, as affected by the requested increases in building area and height, will not unreasonably impact adjacent existing or planned uses or development. Therefore, this criterion is satisfied.

- C. ***The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance.***

FINDINGS: KDC Section 2.313 limits detached accessory structures to a total of 750 square feet when no attached garage exists. A minor variance may not expand a quantifiable standard by more than 20%. A 20% increase permits a maximum total accessory-building area of 900 square feet. The applicant proposes a 900-square-foot detached accessory structure, which is the maximum permitted through the minor variance process.

The property currently contains an approximately 196-square-foot shed located within the front yard. Accessory structures are not permitted within a front yard. Additionally, retaining the existing shed together with the proposed 900-square-foot building would result in approximately 1,096 square feet of detached accessory-building area, exceeding the maximum area permitted through a minor variance. Therefore, the existing shed must be removed.

Subject to removal of the existing shed, the proposed 900-square-foot building represents an increase of 150 square feet, or exactly 20%, and is the minimum necessary to accommodate the applicant's proposed building design and intended use. Therefore, this criterion is satisfied for the requested increase in accessory-building area.

The applicant proposes an accessory structure that would extend approximately 9 to 12 inches above the height of the primary building. Although the requested increase would not exceed 20% if evaluated numerically, the height standard is intended to regulate the visual relationship between an accessory structure and the primary building. The applicant has not demonstrated that the proposed increase is the minimum necessary to achieve the purpose of the variance. The accessory structure can be redesigned to comply with the requirement that it not exceed the height of the primary building while retaining the proposed 900-square-foot floor area. Therefore, this criterion is not satisfied for the requested height increase.

- D. ***There has not been a previous land use action approved on the basis that a minor variance would not be allowed.***

FINDINGS: There are no prior land use actions on this property that would preclude approval of this variance. This criterion is satisfied.

IV. RECOMMENDATION

Based on the findings above, staff concludes that the applicant's request for a Minor Variance to increase the maximum permitted size of a detached residential accessory structure from 750 square feet to 900 square feet satisfies the applicable review criteria of the Keizer Development Code. The increased building area can be accommodated on the subject property without unreasonable impacts to adjacent uses or future development potential.

However, staff concludes that the request to allow the accessory structure to extend approximately 9 to 12 inches above the height of the primary building does not satisfy all applicable review criteria. The applicant has not demonstrated that the additional height is the minimum necessary to achieve the purpose of the variance.

Staff therefore recommends that the Planning Commission approve in part and deny in part Minor Variance Case No. 2026-10 by approving the requested increase in accessory-building area to 900 square feet and denying the request to allow the accessory structure to exceed the height of the primary building, subject to the conditions of approval listed below.

V. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

- A. **CONDITIONS:** The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:
1. The detached accessory structure shall not exceed the height of the primary building. The structure shall comply with all other applicable provisions of KDC Section 2.313, including location, building separation, setbacks, and exterior-finish requirements.
 2. The detached accessory structure shall not exceed 900 square feet in area and shall be located substantially as shown on the applicant's site plan. The building design shall be revised as necessary to comply with Condition 1. Compliance shall be verified during building permit review.
 3. Prior to final inspection or occupancy of the proposed accessory structure, the existing approximately 196-square-foot shed located within the front yard shall be removed from the property. The total detached accessory-building area on the property shall not exceed 900 square feet.
 4. The accessory structure shall comply with the setback requirements to property lines, as determined by building height under Section 2.313 of the KDC. This ensures the placement of the structure does not limit future development of the parcel.
 5. The applicant shall comply with the requirements of the Marion County Building Inspection Division and all applicable development standards of the KDC related to construction of an accessory structure.

- B. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any private covenants or restrictions imposed by deed or other instruments. The proposed use may require permits from other local, state, or federal agencies. This decision does not replace or relieve the responsibility for obtaining such permits.
- C. TRANSFER OF VARIANCE: This variance approval shall automatically transfer to any new owner or occupant, subject to all conditions. It is the responsibility of the applicant and property owner to provide notice of this variance and its conditions to future property owners.

EXHIBIT 1

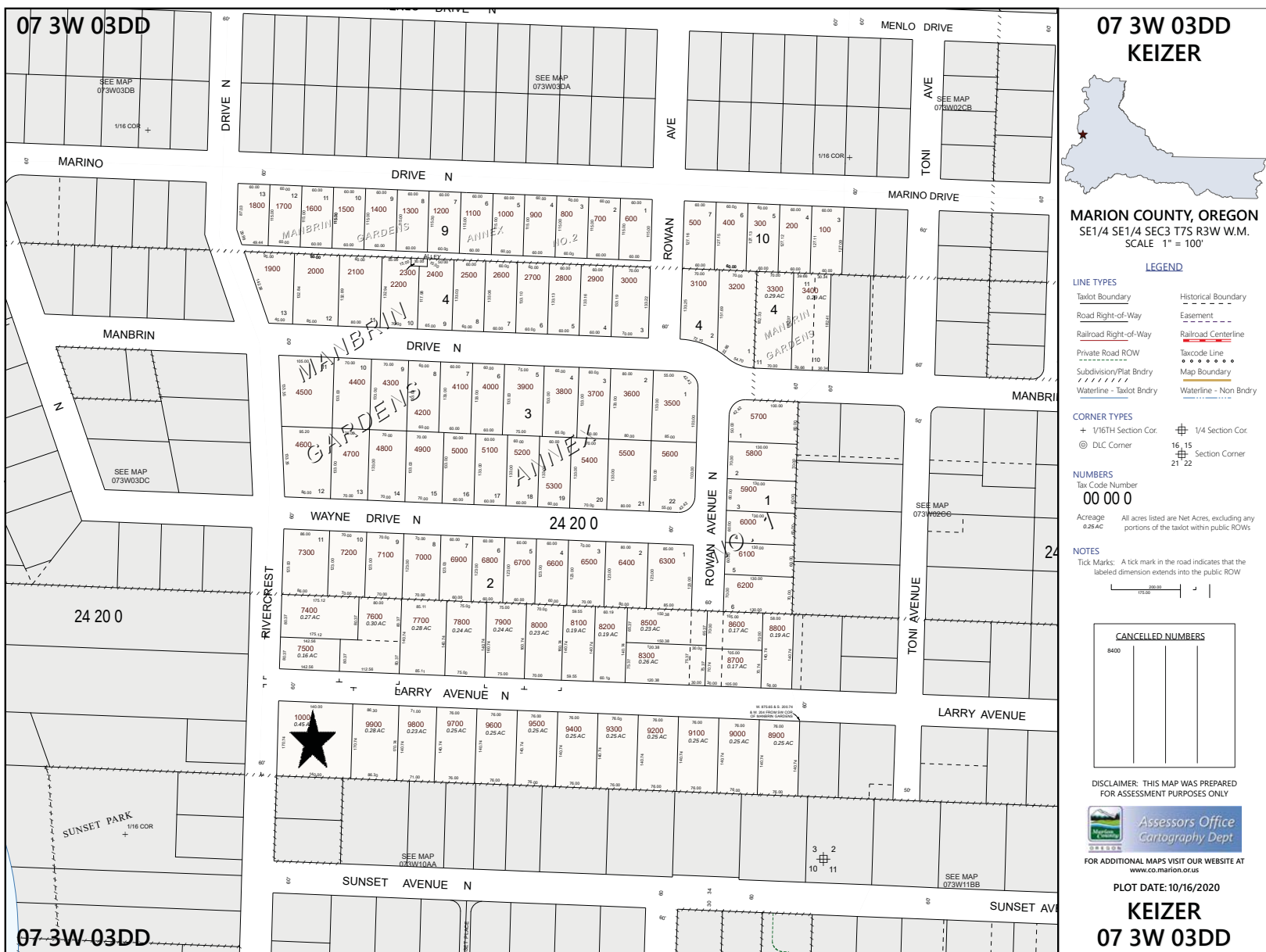


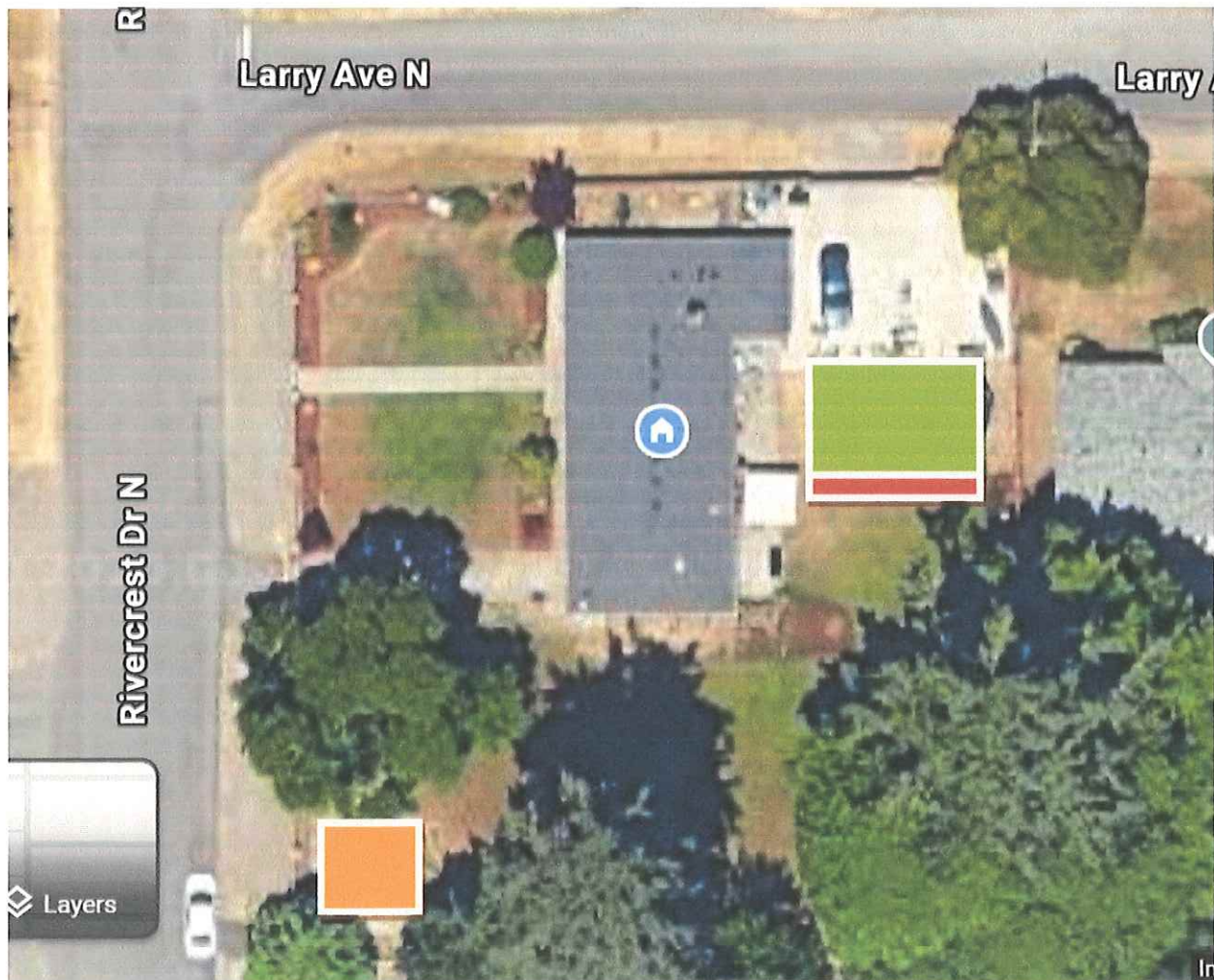
EXHIBIT 2

Michael O'Neal

4090 Rivercrest Dr N, Keizer OR 97303

(541)515-1196

Here is an aerial view of our property at 4090 Rivercrest DR N in Keizer. The green box represents the 750 square foot maximum cumulative area limit for a detached accessory structure (30ft wide left-to-right, by 25ft deep top-to-bottom). The red box is the added size of garage we would like to build (30ftx30ft, or 900 square feet). Which, would add an additional 5ft top-to-bottom. Our lot is large (.45 acres) and we currently do not have a garage on the property. We do have a shed (orange box) that we would be removing upon the construction of the new garage. However, if there is no absolute need to remove the shed, we would like to keep it since it is tucked in the corner and has been there since 2009. If it can stay we will be re-roofing/painting/re-doing the interior slab of the shed.



Variance No 1, Accessory Structure Area Limit: We are asking for the approval of a variance to the 750 square foot maximum accessory structure size limit.

1. Adding the additional 5 feet will not encroach any further to the east property line with our neighbor on Larry.
2. The garage will be built next to, and in line with, the neighbor's house, which does not have any windows facing west toward our property. If anything adding the additional 5ft will offer some additional privacy, and noise reduction for us, since the neighbor has an active daycare often having many small children in their back yard.
3. Our house is older, smaller, and lacks storage space. Adding the additional 5 feet would allow us to create a significant storage option this house has lacked since we bought it in 2007.
4. We are anticipating taking in an elderly family member. Creating this additional space would allow us to move our office/exercise room in to this new area. Which, would free up one of the bedrooms.
5. Our home is "L shaped" and in order to add a structure of this size would require us to incorporate the design in to the existing house on two sides. Which, would require extensive integration, reduce natural light, involve significant foundation, siding, stud replacement (2x4s would need replacing on most of the remodeled area) and the removal/replacement of our entire existing roof. It would be significantly less expensive to build the stand alone structure.

Variance No 2, Accessory Structure Height Limitation When Complying With Roof Pitch Rule: We would plan on building a standard garage that matches the siding and roof of the existing house. But, in order to match the existing house' roof pitch, the new detached garage would exceed the height of the existing structure by roughly 12". This is because the existing house is only 26ft wide, where the garage would be 30ft wide. We are trying to comply with Keizer's architectural compatibility standards (which prefer or require matching roof pitches), and that the 12" height excess is a direct, unavoidable geometric consequence of matching the house's pitch over a wider 30-foot span..

Please let me know if you have any questions, or concerns.

EXHIBIT 3

Variance Case 2026-10

My/Our comments are: A-2- The variance requested is
consistent with intent + purpose.

B- Will not unreasonably impact adjacent uses
+ development.

As neighbors we have no problem with the addition
of a building/garage.

Name: Dan + Robyn Bishop

Phone: 503-428-1782 Email: bishopr584@comcast.net

Address: 4125 Rivercrest Drn Keizer

Date: 8-15-2026

Comments submitted regarding this Minor Variance must address the following criteria:

- A. 1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or,
2. The variance requested is consistent with the intent and purpose of the provision being varied; or
3. The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied;
- B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and
- C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and
- D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

Copies of the Keizer Development Code are available for viewing on the City of Keizer website.

RECEIVED
CITY OF KEIZER
AUG 18 2026
PLANNING DEPARTMENT

EXHIBIT 4



City of Keizer

Phone: (503) 856-3442 • Fax: (503) 390-8288
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

REQUEST FOR COMMENTS



TO: Neighboring Property Owner of 4090 Rivercrest
DATE: August 10, 2026
CASE: Minor Variance 2026-10

The Planning Division is soliciting comments you may wish to have considered in the City's review of the above land use case. Application materials are attached.

Comments must be submitted in writing and received in our office by 5:00 pm on August 25, 2026.

Send comments or questions to:
Dina Horner, Assistant Planner
Email: Hornerd@keizerOR.Gov

City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303
Phone: (503) 856-3442

REQUEST: The applicant is Pursuant to the provisions of the Keizer Development Code (KDC), this application requests a minor variance to increase the maximum allowable square footage for an accessory structure. Staff will provide a recommendation to the Planning Commission, which is scheduled to hold a public hearing on the application on September 9, 2026.

Per KDC Section 2.313, accessory structures on properties developed with a dwelling that does not have an attached garage are limited to a maximum of 750 square feet. The applicant proposes to construct a 900-square-foot accessory structure, which exceeds the maximum allowable size by 150 square feet. This represents a 20% increase, qualifying as a minor variance under the provisions of the KDC.

The proposed structure will meet all other applicable development standards, including setbacks, height, and lot coverage requirements.

APPLICANT/PROPERTY OWNER: Michael and Erika O'Neal
ZONE: Residential Single Family (RS)
PROPERTY ADDRESS: 4090 Rivercrest Dr N, Keizer

PLEASE CHECK THE APPROPRIATE ITEMS:

☒

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

☐

My/Our comments are in the attached letter.

☐

My/Our comments are as follows (on next page)

My/Our comments are: _____

Name: Jaime Padilla

Phone: 503-871-4017 Email: _____

Address: 680 Carry Ave N, Keizer, OR 97303

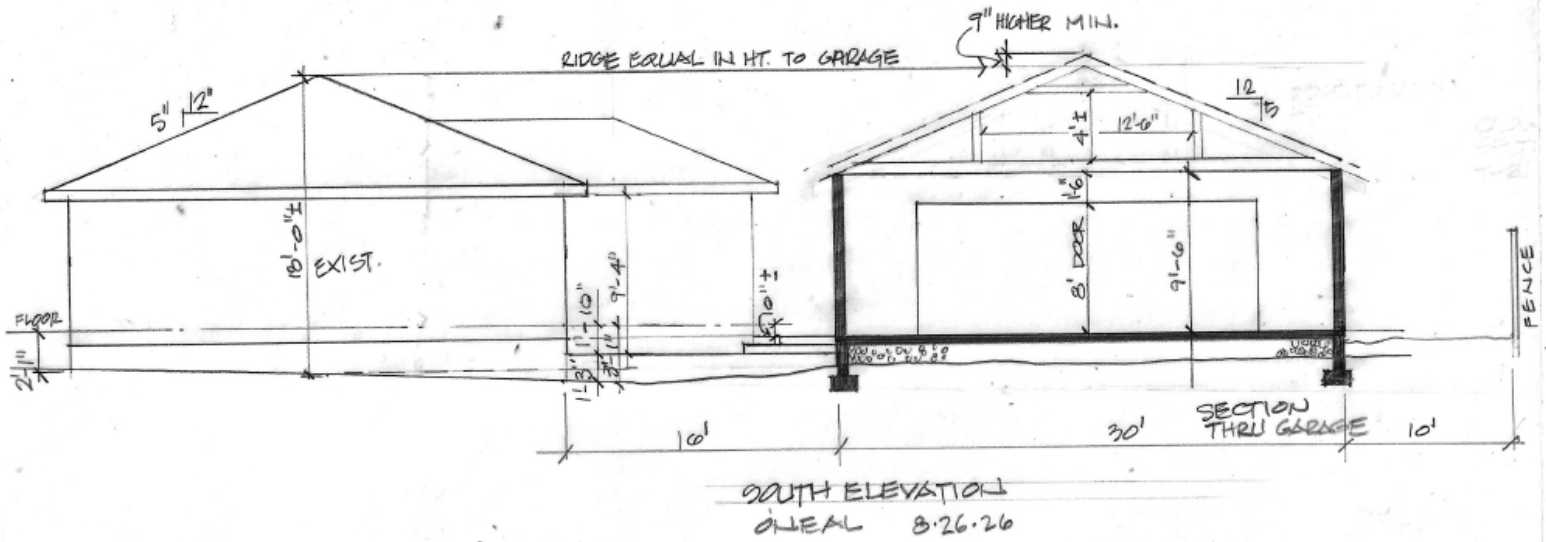
Date: 8/16/2026

Comments submitted regarding this Minor Variance must addressed the following criteria:

- A.
 1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or,
 2. The variance requested is consistent with the intent and purpose of the provision being varied; or
 3. The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied;
- B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and
- C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and
- D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

Copies of the Keizer Development Code are available for viewing on the City of Keizer website.

EXHIBIT 5





**CITY OF KEIZER
MAJOR & MINOR VARIANCE
APPLICATION**

RECEIVED
CITY OF KEIZER

AUG 3 - 2026

PLANNING DEPARTMENT

(Pd)

If there are any questions about this application, who should be contacted?

Name: Michael + Erika O'Neal

Address: 4090 Rivercrest Dr N Keizer, OR 97303

Daytime Phone Number: (541) 515-1196

Fax: _____

Email: onealinnovations@hotmail.com

1. **Applicant Name**

Address

Michael + Erika O'Neal

4090 Rivercrest Dr N

Phone (541) 515-1196

Keizer, OR 97303

2. **Property Owner Name**

Address

Michael + Erika O'Neal

4090 Rivercrest Dr N

Phone (541) 515-1196

Keizer, OR 97303

3. The owners of record of the subject property do hereby request permission for a variance to the following standard Keizer Development code Sec 2.313 (accessory structures)

to allow a cumulative detached accessory structure area exceeding 750 sq ft
(consisting of a new 900 sq ft garage and an existing shed), and to allow the new
garage to exceed the height of the primary dwelling by 12".

4. Street Address of subject property 4090 Rivercrest Dr N, Keizer, OR 97303

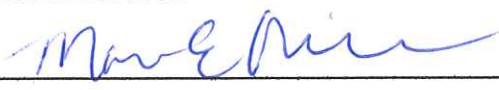
5. Size of subject property (acres or Sq. Ft.) 0.45 acres

6. **THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. The above variance request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- B. If the application is approved, the applicant will exercise the rights granted in accordance with that approval and will be subject to all conditions and limitations of approval.

- C. All of the above statement and any statements included on the plot plan and exhibits attached to the plot plan are true to the best of the applicant's knowledge; and the applicant acknowledges that any permit issued on the property may be revoked if it is found that any statements are false.
- D. The applicant acknowledges that this application and all applicable policies and criteria have been read and understood, and that the requirements and criteria for approving or denying the application are also understood.

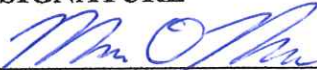
SIGNATURE(s) of APPLICANT

 
Dated this 2nd day of August, 20 26

AUTHORIZATION BY PROPERTY OWNER(s)

Property owners and contract purchasers are required to authorize the filing of this application and must sign below. All signatures represent that they have full legal capacity to and do hereby authorize filing of this application and certify that the information and exhibits herewith submitted are true and correct.

SIGNATURE



ADDRESS & PHONE

4090 Rivercrest Dr. N
Keizer, OR 97303
(541) 515-1196 (phone)

SIGNATURE



ADDRESS & PHONE

(phone)

FOR OFFICE USE ONLY

Township _____ Range _____ Section _____
Tax Lot Number(s) _____
Zone/Map _____
Neighborhood Association _____
Comp Map _____

Application elements submitted:
_____ (a) Title transfer
_____ (b) Plot Plan
_____ (c) Statement
_____ (d) Filing fee

Date Application Determined Complete _____

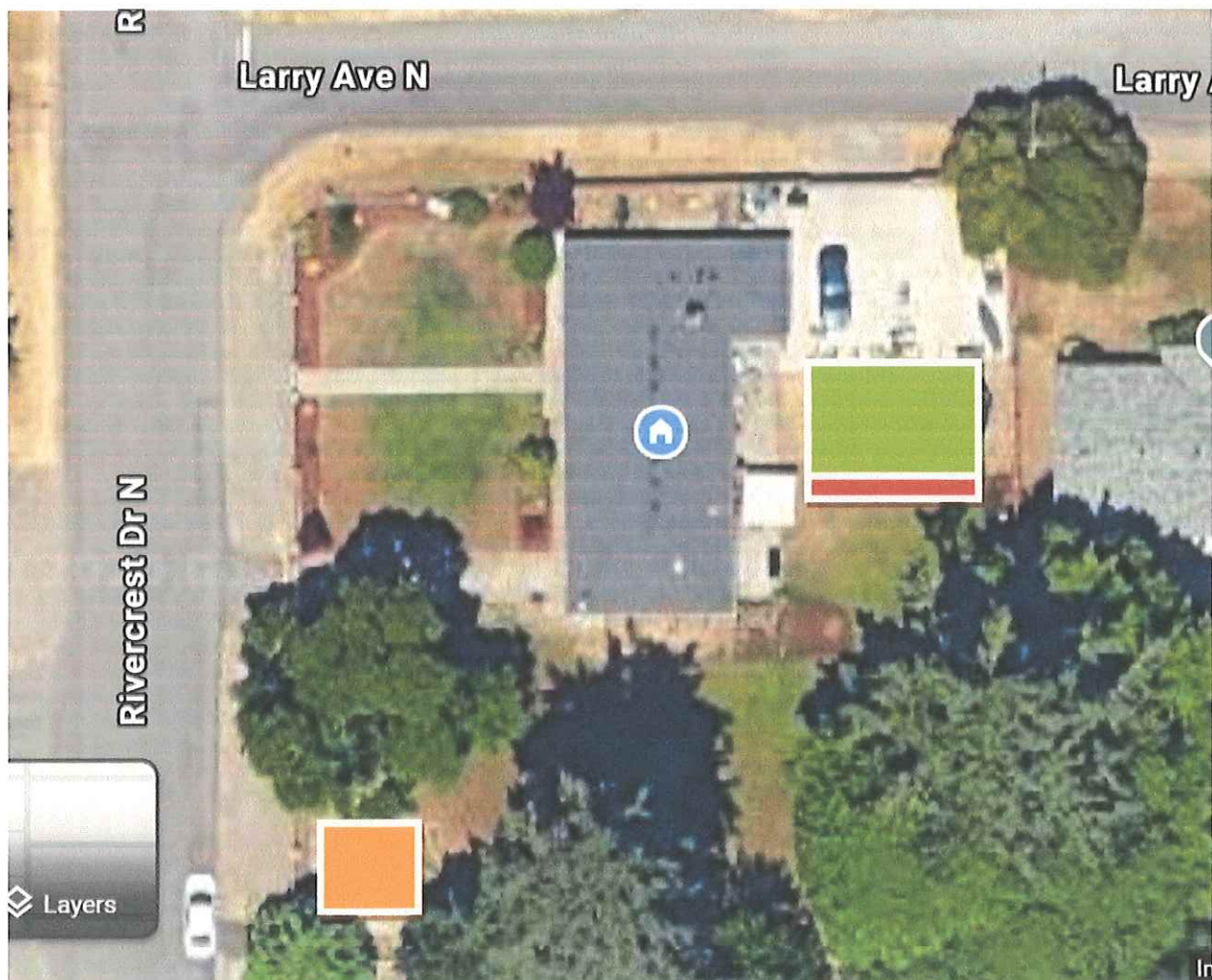
Application Accepted By _____

Michael O'Neal

4090 Rivercrest Dr N, Keizer OR 97303

(541)515-1196

Here is an aerial view of our property at 4090 Rivercrest DR N in Keizer. The green box represents the 750 square foot maximum cumulative area limit for a detached accessory structure (30ft wide left-to-right, by 25ft deep top-to-bottom). The red box is the added size of garage we would like to build (30ftx30ft, or 900 square feet). Which, would add an additional 5ft top-to-bottom. Our lot is large (.45 acres) and we currently do not have a garage on the property. We do have a shed (orange box) that we would be removing upon the construction of the new garage. However, if there is no absolute need to remove the shed, we would like to keep it since it is tucked in the corner and has been there since 2009. If it can stay we will be re-roofing/painting/re-doing the interior slab of the shed.



Variance No 1, Accessory Structure Area Limit: We are asking for the approval of a variance to the 750 square foot maximum accessory structure size limit.

1. Adding the additional 5 feet will not encroach any further to the east property line with our neighbor on Larry.
2. The garage will be built next to, and in line with, the neighbor's house, which does not have any windows facing west toward our property. If anything adding the additional 5ft will offer some additional privacy, and noise reduction for us, since the neighbor has an active daycare often having many small children in their back yard.
3. Our house is older, smaller, and lacks storage space. Adding the additional 5 feet would allow us to create a significant storage option this house has lacked since we bought it in 2007.
4. We are anticipating taking in an elderly family member. Creating this additional space would allow us to move our office/exercise room in to this new area. Which, would free up one of the bedrooms.
5. Our home is "L shaped" and in order to add a structure of this size would require us to incorporate the design in to the existing house on two sides. Which, would require extensive integration, reduce natural light, involve significant foundation, siding, stud replacement (2x4s would need replacing on most of the remodeled area) and the removal/replacement of our entire existing roof. It would be significantly less expensive to build the stand alone structure.

Variance No 2, Accessory Structure Height Limitation When Complying With Roof Pitch Rule: We would plan on building a standard garage that matches the siding and roof of the existing house. But, in order to match the existing house' roof pitch, the new detached garage would exceed the height of the existing structure by roughly 12". This is because the existing house is only 26ft wide, where the garage would be 30ft wide. We are trying to comply with Keizer's architectural compatibility standards (which prefer or require matching roof pitches), and that the 12" height excess is a direct, unavoidable geometric consequence of matching the house's pitch over a wider 30-foot span..

Please let me know if you have any questions, or concerns.

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR'S NAME:
Thomas A. Ebel and Diane B. Ebel as tenants by
the entirety

GRANTEE'S NAME:
Maria E. Torres an unmarried woman and
Michael J. O'Neal an unmarried man, not as
tenants in common, but with right of survivorship

SEND TAX STATEMENTS TO:
Maria Torres and Michael O'Neal
4090 Rivercrest Dr. N
Keizer, OR 97303

AFTER RECORDING RETURN TO:
Maria E. Torres
4090 Rivercrest Dr. N
Keizer, OR 97303

Escrow No: 125918-FTMWV01

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Thomas A. Ebel and Diane B. Ebel as tenants by the entirety, Grantor, conveys and warrants to

Maria E. Torres an unmarried woman and Michael J. O'Neal an unmarried man, not as tenants in
common, but with right of survivorship, Grantee, the following described real property, free and clear of
encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

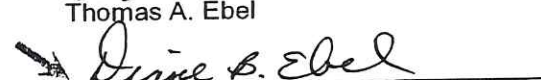
Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way,
encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and
restrictions as may appear of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE
TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS
INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN
VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR
FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF
NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$233,500.00. (See
ORS 93.030)

DATED: April 25, 2007


Thomas A. Ebel

Diane B. Ebel

State of ARIZONA

COUNTY of Yavapai

This instrument was acknowledged before me on 26th April, 20 07

by Thomas A. Ebel and Diane B. Ebel.

Starr L. Munjoy
Notary Public - State of Arizona



Order No. 01-125918-22

EXHIBIT "ONE"

Beginning at the intersection of the center line of River Crest Drive and the North line of River Crest Acres; thence North along the center of River Crest Drive, 170.74 feet; thence South 89°25' East parallel with the South line of Manbrin Gardens Annex No. 1 in Marion County, Oregon, 170 feet; thence South 170.74 feet to the North line of said River Crest Acres in Marion County, Oregon; thence North 89°25' West along the North line of said River Crest Acres, 170 feet to the place of beginning. Save and Except the Northerly 30.00 feet and the Westerly 30.00 feet.

REEL:2804

PAGE: 101

April 27, 2007, 11:55 am.

CONTROL #: 194427

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 31.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.