

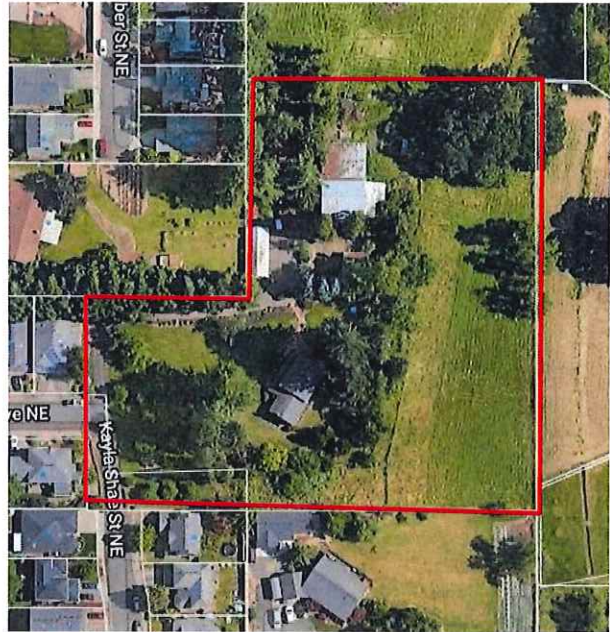
**PARTITION
WRITTEN STATEMENT**

APPLICANT/OWNER:

Kathleen R. Basinger & Michael L. Basinger,
Trustees of the Kathleen R. Basinger Living
Trust, dated July 30, 2007, and any
Amendments thereto
7624 Kayla Shae Street NE
Keizer, Oregon 97303

APPLICANT'S REPRESENTATIVES:

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I. SUBJECT PROPERTY INFORMATION

The subject property is that certain real property located at 7624 Kayla Shae St NE, in the City of Keizer, Oregon and designated by the Marion County Assessor as Tax Map 063W24C Tax Lot 3900 and 063W23DD Tax Lot 802 and Tax Map 063W23DD Tax Lot 805 (collectively the "**Subject Property**") which is further depicted on the attached **Exhibit "A."** The Subject Property is comprised of a single legal lot. The Subject Property is currently developed with the Applicant's home (the "**Existing Home**"). The City of Keizer (herein the "**City**") has designated and zoned the Subject Property as Single Family Residential and Marion County designates the Subject Property as "Rural Residential" and has zoned it "Acreage Residential" ("**AR**"). The City and County Zoning Maps are attached as **Exhibit "B."** The Subject Property is located partially within the City limits, the Urban Growth Boundary, and the City's Urban Service Area.

II. BACKGROUND

Applicant would like to sell one portion of the Subject Property to their son for development with a single family residential home. In order to facilitate that development, Applicant is seeking approval of a single parcel partition, to create two separate legal lots resulting in the creation of Parcel I and Parcel II, as shown on **Exhibit "C."** Parcel I will be approximately 5.46 acres in size and will be located completely outside the City limits and Urban Growth Boundary. Parcel II will be approximately .53 acres in size and will be located completely inside the City limits and Urban Growth Boundary. Applicant's representative attended a Pre-Application Conference with the City on May 16, 2023, regarding a potential property line adjustment. At the time of this Application, the development of an additional home on Parcel II is aspirational, so while additional development of a single-family home is addressed, specific development is not being provided for review at this time.

The City is requiring the dedication of ROW needed to extend Kayla Shae Street NE across the Subject Property in order to facilitate an eventual connection with Trebber Street NE. As result, the Applicant had a secondary pre-application conference on April 30, 2024 and the City and the Applicant have come

to a tentative agreement that the Applicant will construct a portion of the required improvements and will agree to develop the additional infrastructure in the future when the remainder of the Subject Property is developed. This agreement will be memorialized through a deferral agreement, limiting the required infrastructure improvements to those reasonably related to the development of a single family home on proposed Parcel II while balancing the need to require additional development if justified by development of the remainder of Parcel II in the future.

The Subject Property has an existing single family home, the Existing House, which will be on Parcel I and adding another dwelling unit will not have a significant impact on the traffic patterns of the area or use of the property, with the standard traffic impact of a single family dwelling generating an estimated 10 additional daily trips under the ITE Manual.

Parcel I, as shown on **Exhibit "C"**, will be accessed via an easement encompassing the existing private driveway which runs perpendicular to the western property line of Parcel I to the proposed ROW. The portion of the private driveway which runs parallel to the western property line of Parcel II will remain with Parcel II. As such, to provide access to Parcel I until such time that the proposed right of way is developed, Applicant proposes an access easement which will be located on the portion of the private driveway remaining on Parcel II.

III. REQUEST

Applicant is proposing a single parcel partition, identified in the site plan attached as **Exhibit "C"**, and further described in Applicant's proposed partition deed, which has been uploaded as part of this request.

IV. CRITERIA AND PROPOSED FINDINGS

The relevant approval criteria for a single parcel partition are found in Keizer Development Code ("**KDC**") 2.310 for Parcel II and in Marion County Code ("**MCC**") 17.172 for Parcel I and are provided in relevant part below in bold and italics, followed by the Applicant's proposed findings in plain type. The KDC criteria are addressed first, followed by the MCC criteria:

KDC Sec. 2.310 Development Standards for Land Divisions.

[...]

2.310.02 Scope

- A. Application. The provisions of this Section shall apply to all subdivisions and partitions within the City of Keizer.***

Proposed Finding: Applicant is applying for a partition, creating a single additional parcel, that will result in the creation of Parcel I and Parcel II. Parcel II will be located entirely within the City limits. Thus, the provisions of this Section apply.

- B. Modification. The design standards in this Section may be modified, provided, findings are established which indicate compliance with these standards is infeasible due to parcel shape, terrain, or location of existing structures.***

Proposed Finding: Applicant is not requesting modification of any design standards in this Section. Thus, this criterion is not applicable.

2.310.03 Standards for Lots or Parcels, Property Line Adjustment Required

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

Proposed Finding: The portion of the Subject Property within the City, Parcel II, will be subject to the minimum lot dimensions set forth in KDC 2.102.05(A). The minimum lot dimensions in this section are dictated by the type of development that is being proposed, which in this instance would be an area of 4,000 SQFT with a minimum width of 40 feet and a minimum depth of 70 feet. Parcel II will measure approximately 216.41 feet wide at its widest point and approximately 107.21 feet deep at its shallowest point, resulting in an area of at least 23,087 SQFT which is well in excess of the applicable area and dimension standards. This criterion is satisfied.

- B. Property Line Adjustment. Any adjustment of common boundaries between two or more abutting lots or parcels shall require approval of a Property Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2.**

Proposed Finding: The Applicant is not proposing the adjustment of common boundaries between two abutting lots. The Subject Property is comprised of a single legal lot which the Applicant is proposing to partition into two resulting parcels. Thus, this criterion is not applicable.

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

Proposed Finding: Parcel II will measure approximately 216.41 feet wide at its narrowest point and approximately 107.21 feet deep at its shallowest point. Parcel I will measure approximately 421.16 feet wide at its narrowest point and approximately 107.21 feet deep at its shallowest point. The depth of the parcels will not be more than 3 times the width of the parcels. Thus, the exceptions are not applicable, and this criterion is satisfied.

[...]

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

Proposed Finding: The minimum lot width is 40 feet in the Single Family Residential zone pursuant to KDC 2.102.05(A). If the proposed right of way is constructed, Parcel II will have approximately 216.41 feet of frontage on Kayla Shae Street NE once it is connected with Trebber Street NE.

Parcel I will access the ROW through Parcel II via an access easement to the ROW and an access easement extending to the existing ROW. This is permitted under the KDC, as addressed in detail below. Additionally, Parcel I will be located outside of the City, and will comply with the MCC access standards, as set forth in MCC 17.172.560, which requires access width of 20 feet the Applicant is proposing an access easement 25 feet wide. Both Parcels will have access that conforms to the KDC. This criterion is satisfied.

1. Lots or parcels may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08.

Proposed Finding: Applicant is proposing an access easement to provide access to Parcel I from the existing right of way to the terminus of the flagpole, as shown on the Site Plan. The proposed access easement will provide access through Parcel II to the public ROW. The access easement will encompass the existing private driveway which will serve as access to both parcels until such time as the ROW is fully developed. Compliance with the provisions of 2.302.08 is addressed below. This criterion is satisfied.

2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards:

Proposed Finding: Applicant is not proposing the development of a townhouse or planned unit developments on either parcel. The Existing House is sited on proposed Parcel I and Applicant is not proposing any modifications or further development on Parcel I at this time. Parcel II may be developed with a single-family home. Thus, these criteria are not applicable.

[...]

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

Proposed Finding: The Applicant is not proposing any flag lots. This criterion is not applicable..

F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major streets, adjacent non-residential activities, or to overcome specific development constraints due to topography or lot orientation. Through lots shall be no less than 100 feet in depth. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request.

Proposed Finding: If the proposed right of way is constructed, Parcel I and Parcel II will have frontage one on street, Kayla Shae Street NE. The parcel as it exists now is currently a through lot since it has frontage on Kayla Shae Street NE and Heatherwood Ave NE. Approval of this partition will not create a through lot. If the proposed right of way is not constructed, then Parcel II will have a depth of at least 100 feet and will be adjacent to the private access easement which will serve Parcel I. Parcel I will have sole access off of the private access easement. Thus, this criterion is satisfied.

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

Proposed Finding: All lot lines for Parcel I will run at right angles. The side lot lines for Parcel II will run as close to right angles as is practicable considering the dimensions of the parcel. The rear lot line and front lot line of both parcels will be the same dimensions. Thus, this criterion is satisfied.

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

Proposed Finding: Applicant will provide easements that conform to the requirements of KDC 2.302.04. Applicant requests that any required easements be located within the proposed right of way. Thus, this criterion is satisfied.

2.310.05 Improvement Requirements – Partitions

During the review of partition proposals, the City shall require, as a condition of approval, the following improvements:

A. Private Access. Private driveways serving flag lots, or private streets and access easements, shall be surfaced per the requirements of this Code.

Proposed Finding: Applicant is proposing a private access easement in order to provide Applicant with access to Parcel I. The existing private driveway, which will serve as the access strip for the flag lot and as the access easement, is paved. Thus, this criterion is satisfied.

B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 only if sidewalks currently exist along the connecting street.

Proposed Finding: There will be no private streets providing access to Parcel I or Parcel II. Parcel I will have its sole access off of the proposed private access easement, as described herein. Parcel II will have access off of Heatherwood Ave NE and Kayla Shae Street NE which are both public, local streets. If the proposed right of way is constructed, then Parcel I and Parcel II will both have access off of Kayla Shae Street NE. Thus, this criterion is not applicable.

C. Street Frontage Improvements. The following improvements shall be required:

3. If the street frontage of the subject property is less than or equal to 100 feet, and not along a collector or arterial street the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.

Proposed Finding: If the proposed right of way is constructed, then Parcel II will have street frontage greater than 100 feet. Applicant has proposed the dedication of a right of way which would give Parcel II 200 feet of frontage and Parcel I will have 25 feet of frontage on Kayla Shae Street NE once it is connected to Trebber Street NE. Thus, depending on the City's determination regarding the dedication of ROW, Applicant will be required to sign a non-remonstrance agreement for the development of future frontage improvements.

If the right of way is not constructed, then Parcel I and Parcel II will have less than 100 feet of street frontage and this criterion will not be Applicable. As proposed, this criterion is satisfied.

4. ***If the street frontage of the subject property exceeds 100 feet or is located along a collector or arterial street, or extends an existing dedicated right-of-way, the applicant shall improve the following unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements:***

Proposed Finding: Upon dedication of the ROW Parcel II 216.41 feet of frontage and Parcel I 25 feet of frontage through the access easement. The Applicant is proposing the construction of $\frac{3}{4}$ improvements on the portion of the ROW extending from the existing terminus of Kayla Shay Street through to the northern boundary of the intersection with Heatherwood Avenue. The Applicant has provided an engineering sheet showing the full improvements of the fully built-out extension, the Applicant is proposing a deferral agreement to delay the future improvement to such time as additional development beyond the proposed single family dwelling occurs. The City and the Applicant will work through the terms of this agreement upon approval of this Application.

- a. ***Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.***

Proposed Finding: As indicated above, the Applicant is proposing $\frac{3}{4}$ street improvements along the frontage of Proposed Parcel II which will include the extension of utilities to the extent needed for the proposed single family development. The Applicant will agree to a deferral agreement that addresses the future ROW improvements. Thus, this criterion is satisfied.

- b. ***Sidewalks, meeting City standards, along public street frontage.***

Proposed Finding: Applicant will develop sidewalks along the western side of Kayla Shae to the intersection with Heatherwood Avenue along with entering into a deferral agreement for the remaining improvements.

- c. ***The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.***

Proposed Finding: Applicant will provide extensions of the sanitary sewers, water lines and other necessary public utilities to serve Parcel II. Parcel 1 will remain in the County and has a well and septic system providing services to that portion of the property, in conformance with Marion County Code. Thus, this criterion is satisfied.

- D. ***Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a nonremonstrance agreement, or other performance agreement.***

Proposed Finding: Applicant is not proposing development on either parcel as a part of this Application. Applicant will complete all required improvements prior to the issuance of any building permits for the development contemplated for Parcel II. Thus, this criterion is satisfied.

[...]

2.302.08 Private Access Easements

A private access easement created as the result of an approved partitioning or subdivision shall conform to the following:

A. Width. Private access easements shall only be allowed where the applicable standards of Section 2.310.03.D., are satisfied. The easement shall comply with the following additional standards:

1. Minimum easement width: 20 feet with no parking within the minimum required width.

Proposed Finding: As described above, the applicable standards of Section 2.310.03.D are satisfied. The existing private driveway which will act as the access easement has a width of approximately 25 feet. Parking will not occur within the easement area. Thus, this criterion is satisfied.

2. Minimum paved width: 12 feet for 1 dwelling unit; 16 feet for two or more dwelling units.

Proposed Finding: The existing private driveway is paved at an excess of twelve feet, this criterion is satisfied.

3. Maximum length: 300 feet for single access to a public street. If there are two or more access points to a public street, the proposed easement may be more than 300 feet if it is the only way to allow for effective development in unique circumstances where it is not practical to serve the development with a public street. Access easements exceeding 300 feet in length must be reviewed by the local Fire District for compliance with the Fire Code, and must receive City approval. The following criteria for City approval will be used:

Proposed Finding: The private driveway which will act as the access easement is 107.21 feet in length and will have access to two public streets, Heatherwood Ave NE and Kayal Shae Street NE. Thus, the criteria for City approval is not applicable and this criterion is satisfied.

4. Single Family/Duplex Development: No more than 4 parcels or lots shall have their sole access via an access easement unless through access (two or more public street access points) are provided. If the access easement connects to a collector or arterial street the Public Works Director may require all parcels or lots to be served by the access easement. In such case, no more than 6 parcels or lots shall have their sole access via an access easement. If the access easement provides Easement Standards through access, no more than 8 parcels or lots may be served by the access easement. All through access easements providing access to more than 4 parcels or lots must provide public bicycle and pedestrian access for connectivity. The instrument recording the access easement must indicate public bicycle and pedestrian access is allowed.

Proposed Finding: Only one parcel, Parcel I, will have their sole access via an access easement which will connect to local streets, Heatherwood Ave NE and Kayla Shae Street NE. The Existing House, which is a pre-existing single-family development, is the only development on Parcel I and Applicant is not proposing any modifications or further development as part of this Application. Thus, this criterion is satisfied.

5. ***Triplex, Quadplex, Cottage Cluster and Multi-Family/Commercial Development: Access easements may be allowed if it is the only feasible method to provide access to a parcel without public street frontage, or if it is impractical to serve the development with a public street. Access easements are subject to Fire District review and City approval. The design of the easement must be reviewed by the local Fire District for compliance with the Fire Code and must meet the requirements outlined in Section 2.303 for parking lot aisle widths, and all other city standards governing vehicle access contained in the KDC and adopted Public Works Street Standards.***

Proposed Finding: As stated above, the only development on Parcel I, which is the only parcel to be served by the access easement, is a single-family development and Applicant is not proposing any modifications or further development as a part of this Application. Thus, this criterion is not applicable.

- B. ***Maintenance. Provision for the maintenance of the private access easement and storm drainage facilities within the easement area, along with any required turnaround area, No Parking signage, and screening, shall be provided in the form of a recorded maintenance agreement, Covenants, Conditions, and Restrictions (CCRs), or other recorded instrument acceptable to the City. Such instrument shall include at a minimum, that the instrument may not be extinguished or modified without written consent of the City and that the provisions set forth above may be enforced by the City.***

Proposed Finding: Applicant will record said instrument complying with the above provisions upon approval and recording of the partition plat. Thus, this criterion is satisfied.

- C. ***Turn-around. A turn-around shall be required for any access easement which is the sole access and which serves two or more parcels or lots. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet. Alternate turnaround designs may be approved subject to Public Works Department approval.***

Proposed Finding: The access easement will be the sole access for Parcel I and will serve only Parcel I. Thus, a turnaround is not required. This criterion is not applicable.

D. Parking

1. ***No parking allowed. All private access easements serving as the sole access for two or more parcel or lots shall display No Parking signs approved by the City.***

Proposed Finding: The access easement will be the sole access for Parcel I and will serve only Parcel I. Thus, this criterion is not applicable.

2. Parking shall be provided as outlines in Section 2.303.

Proposed Finding: The private driveway which will serve as the access easement is pre-existing. Parking is available on the portion of the private driveway that will remain with Parcel I and will not occur within the easement area. The access easement will be the sole access for Parcel I and will serve only Parcel I. Applicant is not proposing any further development on Parcel I or change in use which would render 2.303 applicable. Thus, this criterion is satisfied.

E. Trees Along Access Easements

Streetscape trees are required along access easements, shall comply with the provisions of Section 2.309, and must be located according to the following provisions:

- 1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of access improvements.***

Proposed Finding: The private driveway which will serve as the access easement is pre-existing and has trees planted along both sides of the existing drive. Applicant believes these trees satisfy this approval criteria.

- 2. Parcels or Lots measuring less than 60 feet along the access easement shall be required to plant one streetscape tree. Parcels or Lots measuring 60 feet or more along the access easement shall be required to plant two streetscape trees.***

Proposed Finding: Parcel II would measure 107.21 feet along the access easement, in excess of 60 feet. However, as mentioned above, Applicant has proposed to dedicate a portion of Parcel II in order to create a right of way in which Kayla Shae Street NE and Trebber Street NE would connect, pursuant to the City's connectivity plan. Once the proposed right of way is constructed, the easement will terminate and the right of way will be constructed over the easement area. The planting of streetscape trees would be counterproductive as the trees would likely need to be removed in order to construct the proposed right of way in addition to any necessary improvements such as sidewalks. Thus, this criterion is not applicable.

- 3. Streetscape trees shall be selected from a list of approved trees.***

Proposed Finding: As described above, the planting of streetscape trees would be counterproductive in this instance. Thus, this criterion is not applicable.

F. Screening A 6 foot high sight obscuring fence, wall, or hedge shall be placed along the exterior side of an access easement to provide screening to any adjacent properties.

Proposed Finding: The private driveway which will serve as the access easement currently provides access to the Subject Property without any screening; the use of the driveway will not change by granting an easement to Parcel I for access. Further, the existing trees provide adequate screening from the adjacent parcels, obscuring the view of the easement to the same degree as a hedge, wall or fence. This criterion is satisfied.

MCC Sec. 17.172 Subdivision and Partition Requirements

[...]

17.172.300 Utility Easements. *Utility easements meeting the approval of the Marion County department of public works shall be provided to all newly created lots.*

Proposed Finding: Applicant will provide easements as required for Parcel I that meet the approval of the Marion County department of public works. Thus, this criterion is satisfied.

Article III. Lots

17.172.360 Lot size.

All lots approved under this chapter shall have sufficient area to be consistent with the intent of the Comprehensive Plan and to provide adequate area for the intended structures and uses, all setbacks, access and spacing required for water supply and waste water disposal. Lots to be served by a public or privately owned sewage collection and disposal system must meet the requirements and have approval of the Oregon State Department of Environmental Quality before being recorded or sold. State regulations, soil types, drainage, terrain, and location may be included as part of the criteria used by the state or county in determining appropriate lot sizes for lots using subsurface disposal of sewage. Lot size and dimension shall be as prescribed in the corresponding zone.

Proposed Finding: The minimum lot size for the portion of Subject Property within Marion County, Parcel I, as set forth in MCC Chapter 17.128.070 is two (2) acres. Parcel I will measure approximately 421 feet wide at its narrowest point and approximately 300 feet deep at its shortest point resulting in a size of approximately 2.9 acres, satisfying the County's standards. The Existing Home located on proposed Parcel I will comply with the applicable setbacks, as addressed below.

MCC 17.128.060(A) contains a height restriction on dwellings of 35 feet, with which the Existing Home complies. MCC 17.128.060(B) requires the following setbacks: (1) a minimum of 20 feet for rear yard; (2) a minimum of 10 feet for side yard; and (3) a minimum of 20 feet for front yard. Marion County measures the front setback on a flag lot from the end of the pole at the public right of way, meaning the applicable setback for the Existing Home on Proposed Parcel I from the common property line with Proposed Parcel II is the 10 foot rear yard setback, which is exceeded by the Existing Home. There is an existing septic system and well which are located completely within the boundaries of proposed Parcel I. Applicant is not proposing any modifications or new development on Parcel I as part of this Application. Thus, this criterion is satisfied.

17.172.380 Curved front lot lines.

When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.

Proposed Finding: All lot lines for Parcel I are at 90-degree angles. Thus, this criterion is not applicable.

Article IV. Sewage, Water, Utilities and Stormwater Management

17.172.400 Sewage disposal.

All new or refigured lots or parcels, 10 acres or smaller in size, shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the Department of Environmental Quality (DEQ) and the Marion County building inspection division. Those subsurface sewage systems that are used by a community, sanitary district, industry, or incorporated area must be authorized by the Department of Environmental Quality (DEQ) via the Marion County building inspection division. Installation and maintenance shall be in accordance with the Department of Environmental Quality's regulations and requirements.

All new or reconfigured lots or parcels with an existing on-site septic system, that were authorized by an approving authority, shall be reviewed to determine that the existing system is either located entirely on the same lot or parcel containing the existing dwelling, or that proper easement is provided to allow the continued use and maintenance of the system.

The commission, director, or hearings office may require connection to an existing sewage collection and treatment system regardless of lot suitability for subsurface disposal if the commission, director, or hearings officer deems it necessary and provided the connection is available.

Proposed Finding: There is one existing private sewer system that serves the Existing House. The Existing House and sewer system are located completely within proposed Parcel I. Applicant is not proposing any modifications or new development on Parcel I as a part of this Application, and development on Parcel II is only aspirational at this point. Thus, this criterion is satisfied.

17.172.420 Water supply.

All lots or parcels shall be served by an authorized public or private water supply system or individual private wells.

- A. Public or Private Systems. Public or private systems shall meet the requirements of the Oregon State Health Division with reference to chemical and bacteriological quality. In addition, such systems must meet the quantity, storage, and distribution system requirements of the State Health Division and the Marion County department of public works.**

Proposed Finding: There is an existing individual private well that serves the Existing House. The private well and Existing House are both located completely within the boundaries of Parcel I. Applicant is not proposing any modifications or development on Parcel I as a part of this Application, and development on Parcel II is only aspirational at this point. Thus, this criterion is satisfied.

- B. Individual Private Wells. Individual private wells must meet the construction requirements of the Oregon State Water Resources Department and be located in accordance with requirements of the State Health Division in relation to public or private sewage disposal systems. The bacteriological quality of this water may be determined through the Marion County health department. Upon receiving the recommendations from the State Health Division or Marion County health department, the hearings officer or commission may require the use of an engineered public or private water system in any proposed subdivision. Other criteria to be considered in making this determination are the recommendations contained in the Marion County Water Quality Management Plan, Marion County Comprehensive Plan, and Chapter 17.181 MCC.**

Proposed Finding: There is an existing individual private well that serves the Existing House. The private well and Existing House are both located completely within the boundaries of Parcel I. Applicant is not proposing any modifications or development on Parcel I as a part of this Application, and development on Parcel II is only aspirational at this point. Thus, this criterion is satisfied.

17.172.430 Stormwater management.

The impact of proposed subdivisions and partitions on stormwater runoff shall be evaluated and potential adverse impacts shall be mitigated. Where evidence indicates stormwater runoff will have an adverse impact on a drainage system or natural drainage network, the developer shall demonstrate that proposed stormwater management on the subject property will compensate for the proposed change per county standards. Compliance with this requirement shall be demonstrated by compliance with department of public works engineering standards.

Proposed Finding: The proposed partition will not have any adverse impacts on stormwater runoff. There will be no change in the use of Parcel I following the approval of this Application. There is an Existing House which is located on proposed Parcel I, however Applicant is not proposing the construction of any new dwellings or buildings on Parcel I at this time. The development discussed on Parcel II, which will be completely within the City limits, is only aspirational at this time. Thus, this criterion is satisfied.

17.172.440 Underground utilities easements.

Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and set forth on the final plat. When possible, such easement shall be centered on or bordering a lot line. The subdivider shall provide easements on both sides of all road or street rights-of-way of 60 feet or less.

Proposed Finding: Applicant will provide easements as required. Applicant is proposing an access easement to provide access to Parcel I and additional utility easements are not needed at this time. Thus, this criterion is satisfied.

Article V. Partitionings

17.172.460 Pre-application conference.

Prior to the actual filing of a partitioning application it is recommended that the applicant contact the staff for a pre-application conference. The meeting will enable the staff to review the proposal and determine if the partition is consistent with the intent of the zoning ordinances and Comprehensive Plan and whether public services are required and available.

Proposed Finding: Applicant discussed this Application with Marion County Planning prior to submission of the Application. Thus, this criterion is satisfied.

17.172.480 Partitioning application and initial decision.

When an area or tract of land is to be partitioned an application shall be filed with the planning division; provided, that this section shall not apply to lots maintaining a minimum 20 feet of frontage on a public street right-of-way in the RM (multifamily residential), C (commercial), CC (community

commercial), ID (interchange district), I (industrial), or IUC (unincorporated community industrial) zones.

Proposed Finding: The portion of the Subject Property outside the City Limits and subject to the MCC is located entirely within an Acreage Residential Zone. Applicant is filing this Application with the City of Keizer planning division. Thus, this criterion is satisfied.

17.172.500 Required application information.

[...]

B. Copy of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the parent parcel.

Proposed Finding: Applicant has provided the vesting deed of record for the Subject Property. Thus, this criterion is met.

C. Plot Plan. The plot plan should be on a separate sheet of paper eight and one-half inches by 11 inches and must be drawn in ink, showing the location of the proposed property lines and adjustments, and distances to structures, property lines, roads, driveway access and other features. The plot plan must be reviewed and initialed as accepted by a plans examiner from the building inspection division.

Proposed Finding: Applicant has provided a site plan which includes the elements listed above for the Subject Property. Applicant's plan shows the proposed configuration for Parcel I and Parcel II, the proposed dimensions and areas, along with the building setbacks for the Existing Home which will be located on Parcel I. Upon future development of the Subject Property, any proposed development will need to demonstrate that it complies with any applicable setbacks and development standards. This criterion is met.

[...]

17.172.540 Conformance with regulations.

Unless a variance is granted as provided herein, partitions shall conform to applicable regulations contained in MCC 17.172.160 through 17.172.660. The director shall determine if annexation to a fire, sewer or water district is required. If the director determines that annexation is required, annexation or a nonremonstrance agreement must be filed with the appropriate agency.

Proposed Finding: Applicant is not requesting a variance and as described herein, Applicant complies with the applicable MCC regulations. Thus, this criterion is satisfied.

17.172.560 Access standards.

All lots must have a minimum of 20 feet of frontage on a public right-of-way, or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards shall be provided prior to the issuance of building permits on the parcels served by the access easement.

Proposed Finding: Applicant is proposing an access easement to serve Parcel I which has been constructed and complies with the Marion County access requirements. Thus, this criterion is satisfied.

A. Have a minimum easement width of 20 feet;

Proposed Finding: Applicant is proposing an access easement to serve Parcel I. As described above, there is an existing private driveway. The portion of the private driveway which is located on Parcel II will serve as the access easement. The private driveway is paved with a width of 25 feet. Thus, this criterion is satisfied.

B. Have a maximum grade of 12 percent;

Proposed Finding: Applicant is proposing an access easement to serve Parcel I. As described above, there is an existing private driveway which will serve as the access easement. The private driveway has a grade of less than 12 percent. Thus, this criterion is satisfied.

C. Be improved with an all-weather surface with a minimum width of 12 feet;

Proposed Finding: Applicant is proposing an access easement to serve Parcel I. As described above, there is an existing private driveway which will serve as the access easement. The private driveway is paved with a width of 25 feet. Thus, this criterion is satisfied.

D. Provide adequate sight-distance at intersections with public roadways;

Proposed Finding: Applicant is proposing an access easement to serve Parcel I. As described above, there is an existing private driveway which will serve as the access easement. The private driveway has access to Heatherwood Ave NE and Kayla Shae Street NE, which are public local roadways. The private driveway provides adequate sight distance at the intersections for both roads. Thus, this criterion is satisfied.

E. Be provided with a road name sign at the public roadway as an identification for emergency vehicles in accordance with Chapter 11.55 MCC, Naming and Addressing Roads/Property.

Proposed Finding: If required, Applicant will place a road name sign at the public roadways in accordance with MCC Chapter 11.55. However, the private driveway which will serve as the private access easement already exists and currently is viewed as an extension of Kayla Shae. Thus, this criterion is satisfied.

[...]

17.172.660 Final recordation.

Within two years of approval of the partitioning application, the applicant shall submit for approval by the director a partitioning plat in the appropriate form that shall reflect the final decision. When approved, the plat shall be recorded with the Marion County clerk. Until the plat is approved and recorded, no building permits for any of the divided parcels shall be issued. Should the applicant fail to record a partitioning plat within two years the approval shall be deemed null and void. Extensions may be approved by the director upon submittal of written justification prior to the expiration of the two-year time limit.

Proposed Finding: Upon approval of this Application, Applicant will submit a final partitioning plat for approval which shall be recorded no more than two years following approval of said plat. Thus, this criterion is satisfied.

V. CONCLUSION

Applicant's proposal meets the criteria for the single parcel partition and respectfully requests approval as proposed.

EXHIBIT LIST:

- Exhibit A** - Tax Maps
- Exhibit B** - Zoning Maps
- Exhibit C** - Site Plan
- Exhibit D** - Lot Line Adjustment Case 96-04