



City of Keizer

930 Chemawa Rd NE
PO Box 21000
Keizer, OR 97307
Phone (503) 856-3441
Fax (503) 390-8288

AREA PROPERTY OWNER

A request has been made by a property owner(s) in the vicinity of your property to make a change in their land use status. The City of Keizer is required by State law to notify all property owners within a specific area about this change.

The attached Notice of Decision explains the request, the review undertaken by the City Planning Department, and the decision made on the request. While the City must meet certain legal requirements in the notification, every attempt has been made to ensure that the information is easy to read and understand.

The Notice of Decision is divided into the following sections:

- I. **REQUEST:** This is a brief introduction of your request and the application process.
- II. **BACKGROUND:** Facts relevant to the case, such as the location and zoning of the property and adjacent land uses are in this section.
- III. **DECISION:** After reviewing the criteria and whether the request complies with the criteria, the final decision is presented in this section.
- IV. **APPEALS:** If you disagree with the final decision, or any part of the decision, you have the right to appeal, or, request that the City staff reconsider your request.
- V. **CONDITIONS AND REQUIREMENTS:** Approvals usually require the fulfillment of additional requirements called “conditions”. Some are specific to the request, such as providing fencing, and some are purely technical, such as requiring the applicant to obtain a building permit. This section lists those conditions.
- VI. **COMMENTS:** Agency and neighboring property owners are requested to submit comments and are listed in this section.
- VII. **FINDINGS AND CONCLUSIONS:** All land use applications are judged on whether they meet specific criteria of the Keizer Zoning Ordinance. This section identifies those criteria and discusses how the application does, or does not, meet them.

We hope this brief introduction was helpful in understanding the Staff Decision. If you have ANY questions, concerns or comments regarding the decision, your rights, or the format of the report, please call the Keizer Community Development Department at (503) 856-3441.



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
Conditional Use Case No. 2019-05**

I. REQUEST

The following report reviews a land use application request for a Conditional Use Permit to allow the expansion and remodel of an existing High School (McNary) and associated athletic fields on properties zoned Public and Residential Medium Density (Exhibit 1).

II. BACKGROUND

- A. **APPLICANT/OWNER:** Salem Keizer Public Schools – Joel Smallwood
- B. **AGENT:** Anderson Shirley Architects – John Shirley
- C. **PROPERTY LOCATION:** The subject property is comprised of two separate properties. The first property is located at 595 Chemawa Rd N and is the site of the existing McNary High School. The Marion County Tax Assessor’s map identifies this property as being located within Township 7 South; Range 3 West; Section 03AA; Tax Lot 03200. The second property is an approximate 6.18 acre portion of the St. Edwards Catholic Church property which is located at 5303 River Rd N which was recently acquired through legal action. (Exhibit 2)
- D. **PARCEL SIZE:** The subject property is approximately 38.1 acres in total area.
- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is developed with an existing High School and is served by public water and sewer. The area of expansion is vacant and can be served with public water and sewer and has access to an existing public street.
- F. **ZONING:** The existing school site is designated High School in the Comprehensive Plan and zoned P (Public). The area proposed for expansion of the athletic fields is designated Medium High Density in the Comprehensive Plan and is zone RM (Medium Density Residential).
- G. **ADJACENT ZONING AND LAND USES:** Surrounding properties are zoned RS (Single Family Residential) and RM (Medium Density Residential) and contain single family dwellings, a manufactured home park, a memory care facility, and St. Edward’s Catholic Church.
- H. **PROPOSAL:** The applicant is requesting approval of a Conditional Use Permit to allow the remodel and expansion of the existing High School, expansion of on-site parking facilities on the existing site, and to relocate and expand sports fields and parking facilities onto an adjacent property zoned RM.

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has APPROVED WITH CONDITIONS the proposed Conditional Use Permit subject to certain requirements noted below. Findings in support of the decision can be found in Section VII, Page 5.

IV. APPEALS

Any interested person, including the applicant, who disagrees with this decision, may request that the application be appealed to the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee will be refunded if the appeal is upheld.

Requests for appeal to the Hearings Officer must be in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on April 8, 2019.

Unless this decision is appealed it becomes final on April 9, 2019.

V. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

A. **CONDITIONS:** The following conditions must be continually met, as a condition of the particular land use:

General

1. The Conditional Use is approved to allow the renovation and expansion of McNary High School, relocation and expansion of sports fields and parking facilities, and the expansion of the parking lot along Celtic Way. The additional building square footage includes approximately 56,983 square feet of classroom and instructional space and 8,946 square feet for administration space. The building addition and site improvements shall be located substantially as shown on the applicant's site plan (Exhibit 1).
2. Building permits must be obtained prior to construction activities, and must substantially conform to this proposal.
3. A turnaround/maneuvering area must be provided in the Claggett Court parking lot to allow vehicles to enter and exit the site, without having to back out onto Claggett Court, or a specific program must be established with physical controls to provide for safe and effective drop-off at Claggett Court.
4. The proposed access gate separating the Claggett Court parking lot from the bus lane must be relocated or redesigned to allow for adequate vehicle maneuvering at the

western end of the parking lot, including the ability for vehicles to turn around when pulling out of parking spaces.

5. Landscape buffering must be provided between the proposed tennis courts and the adjacent residential property to the south. This may be accomplished through landscaping such as providing a dense evergreen hedge, providing additional trees, or providing a combination of landscaping materials and sight obscuring fencing, a wall, or other means acceptable to the Community Development Director. A plan must be submitted to and approved by the Community Development Director prior to building permit approval showing how the area will be buffered from the noise and activities proposed.
6. The on-site mitigation measures identified in the applicant's submitted Traffic Impact Analysis (TIA) will be required to be implemented/performed as proposed in the TIA. These measures are found on pages 6 and 7 of the TIA and include provisions relating to *sight distance, pedestrian and bicycle access, bus loading and access, parent drop-off/pick up areas, and parking.*

Public Works Department Requirements

7. The following requirements of the Public Works department apply to this request:

SANITARY SEWERS:

- a) Any sewer service permits necessary shall be acquired from the City of Salem. Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the platted right of ways.

STREET AND DRAINAGE IMPROVEMENTS:

- a) All previous land use decisions that apply to the parcel will still be in effect. The new storm water runoff from the proposed structure enlargement and parking lot improvements will be required to be kept on-site or show how measured infiltration rates make full infiltration not feasible. For areas where it is determined to be not feasible for infiltration the applicant will be required to infiltrate the Water Quality storm event and also reduce total runoff for the site. The applicant will be required to furnish a drainage plan to show how any subsurface drainage will be treated and disposed.
- b) The applicant will be required to furnish evidence that the proposed building will not encroach on any existing utility easements.
- c) The revised TIA (Feb. 19, 2019) Indicates that signage for loading/unloading at the Claggett Court cul-de-sac will be required indicating that the loading/unloading will be within the public street section and not in the proposed new parking area. It is not clear where the loading/unloading area will be from the plans submitted. The public works department will require that plans be submitted for approval indicating where acceptable drop off/pick up areas will be and the signage proposed. It will be necessary for the applicant to show that

sufficient roadway width is available for emergency vehicles to pass during the times of loading and unloading.

- d) Claggett Court was previously improved to 3/4 width in accordance with Conditions of Approval for Partition Case No 2012-08. Findings included under Section VI.D of the Decision established that full width street improvements for Claggett Court were intended to be provided at time of development for the currently undeveloped property on Claggett Court. The applicant will be required to connect to existing pavement/curb tapers and complete the full width street improvement. This includes pavement widening, curb and any necessary drainage improvements along the south side of Claggett Court to the required curb to curb width of 32-ft. No sidewalk is required to be constructed along the south side of Claggett Court. The Public Works Director will recommend the City Council establish a No Parking Zone on the south side of Claggett Court from the intersection of River Road to the westerly end of Claggett Court that will include the bulb of the cul-de-sac.

WATER SYSTEM:

- a) Location of the existing water service lines serving the existing building must be shown on the building plans prior to any construction. Any relocation of the existing service line or lines will be at the applicant's expense.
- b) There are two known and active wells within the project limits. One is McNary Pump Station owned and operated by City of Keizer and the other is used by McNary High School for irrigation. Any existing private wells other than the one currently in use by McNary High School shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The applicant shall provide evidence to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- c) Easements will be required for any new or relocated public water mains and services. The Keizer Fire District (KFD) will determine if any additional fire hydrants will be required.

OTHER:

- a) Street opening permits are required for any work within the City Right of Way.
- b) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. A 1200C permit from DEQ will be required if limits of disturbed area exceed 5-acres.
- c) Construction permits are required by the Public Works Department prior to any public facility construction.
- d) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.

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

C. TRANSFER OF CONDITIONAL USE

This Conditional Use shall automatically transfer to any new owner(s) or occupant(s) subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to future property owner(s) regarding this Conditional Use request and any conditions of approval.

VI. COMMENTS

AGENCY COMMENTS:

- A. The Keizer Public Works Department submitted comments (Exhibit 3) regarding the sanitary sewer, street and drainage improvements, the water system, and other permit requirements.
- B. The Keizer Police Department reviewed the application and has no additional requirements.
- C. The City of Salem Planning Division submitted they have reviewed the proposal and have no comment.

VII. FINDINGS AND CONCLUSIONS

The subject property at 595 Chemawa Rd N is developed with an existing High School. The High School was established prior to incorporation of the City. The Keizer Development Code (KDC) lists *Educational Services (SIC 82)* as a Conditional Use in the P (Public) zone and lists *Schools (SIC 8211)* as a Conditional Use in RM (Medium Density Residential) Zone. Therefore, it has been determined by the Zoning Administrator that a Conditional Use Permit must be obtained for the expansion of the High School and associated site improvements on both the property zoned P as well as the property zoned RM.

Section 3.103 of the Keizer Development Code establishes specific conditional use criteria for the review of conditional use permit applications. A conditional use permit may be approved if findings can be made that the criteria in Section 3.103 have been satisfied. Staff's comments and findings to the criteria are listed below:

SECTION 3.103.03 CONDITIONAL USE PERMIT CRITERIA FOR APPROVAL

A. *The use is listed as a conditional use in the underlying district.*

FINDINGS: Section 2.106.04.D.7 of the KDC lists *Educational Services (SIC 82)* as a Conditional Use in the P (Public) zone. Section 2.104.04.A.1 of the KDC lists *Schools (SIC 8211)* as a Conditional Use in RM (Medium Density Residential) Zone. A high school falls under these SIC categories, and the subject properties affected by this request are zoned P and RM. Therefore, staff finds this request complies with this criterion, since a High School is listed as a Conditional Use in both the P and RM zone.

B. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.*

FINDINGS: The subject property is approximately 38.1 acres in total area and is comprised of the existing school site of 31.92 acres along with a 6.18 acre area of expansion which will contain relocated sports fields, an associated parking lot, and a secondary egress to Claggett Court, which is to be primarily used for school buses.

The parcel, which is approximately 31.92 acres, is developed with an existing High School and associated site improvements. The applicant is proposing an additional 56,983 square feet of classroom and instructional space, along with 8,946 square feet of administrative space to be added to the existing school building. In addition, a reconfiguration and expansion of the existing parking and loading/unloading facilities is proposed to provide better traffic flow and a more convenient, safe, and efficient access for vehicles, pedestrians, and bicyclists coming to and from the school site.

The existing school site and location has been established since 1964, long before Keizer was incorporated. The location is fairly central to the City and the site is served by Chemawa Rd on the South, Lockhaven Dr on the North, and River Rd to the east (via Claggett) which are all transit streets and designated as arterial streets in the Transportation System Plan. The 6.18 acre expansion area is directly adjacent to the existing school site and is suitable for the proposed sports fields, parking lot area, and bus access route shown on the applicant's submitted site plan.

The property is of sufficient size to accommodate the proposed development. The site is relatively flat with no natural features that would preclude the use of the property for what is proposed, and there are existing adequate public facilities and improvements available to accommodate the proposal. Therefore, staff finds this request satisfies this criterion.

C. *The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.*

FINDINGS: The applicant's written statement points out the recent bond measure passed by the voters, providing funding for the proposed project, along with school capacity needs

as a consideration for this project to be considered timely. Staff agrees the expansion and renovation is needed to serve the students in Keizer attending McNary and is long overdue. Therefore, the proposal is timely to meet the needs of the school district and students.

The applicant submitted a Traffic Impact Analysis (TIA) which outlines the adequacy of the existing transportation system and proposed site improvements. There were seven items identified in the TIA as mitigation measures to preserve the area roadway performance and provide safe access to the high school. The seven identified measures included things such as verifying site distance, installing crosswalks and sidewalks, providing directional signage, and providing a minimum number of parking and bicycle spaces. These measures have been made conditions of this approval and are listed in detail in the conditions of this report.

The public works department submitted comments (Exhibit 3) with requirements for this CUP approval which have also been incorporated into the conditions section of this report. These requirements outline the sanitary sewer, street and drainage improvements, water system, and other related public facility requirements necessary for approval of the development. Of specific importance and interest are the conditions pertaining to the drop-off/pick-up area on Claggett Court, and the need to add additional improvement width to Claggett Court. The TIA indicates signage will be provided for the drop-off/pick-up area at the Claggett Court cul-de-sac, and that the drop-off/pick-up area is to be located in the public right of way and not in the new parking lot located off Claggett Court, but is not clear to the details of this arrangement. Therefore, plans must be submitted to the Public Works Department for review and approval showing the location and design of the area, along with proposed signage. Sufficient roadway width must be available for emergency vehicles to pass during the times of drop-off/pick-up use. Claggett Court will be required to be widened to a full width street improvement including pavement widening to provide a 32 foot wide curb to curb improvement. The requirement for widening Claggett Court was outlined in a previous land use decision (Partition Case 2012-08) which indicated at the time the vacant property on Claggett was developed, improvements would be required to bring the $\frac{3}{4}$ width street improvement to a full width improvement. This property is now being developed for the school expansion. This previous land use decision, coupled with the legitimate fire/life/safety needs to provide adequate street width and maneuverability for the proposed drop-off/pick-up location, necessitate the widening of Claggett Court as outlined in the Public Works departments conditions. No sidewalks are being required along the south side of Claggett Creek and the Public Works Director will be recommending the south side of Claggett Court remain a no parking zone to preserve adequate access and width. Pedestrian access will be provided along the north side of the Claggett Court only to prevent pedestrian/vehicular conflicts.

The onsite transportation network for vehicles, buses, pedestrians and bicycles has been thoughtfully designed and provides an adequate level of improvements to serve the school population. In fact, the proposed site design should improve the existing issues of congestion, vehicular conflicts, and inadequate on-site pedestrian facilities that currently exist on the site. The parking lots are designed to accommodate vehicles and meet the standards of the KDC with the exception of the new Claggett Court parking lot. Due to the location of the proposed access gate, there is not ability for vehicles to maneuver and turn

around if the parking lot is full, or if cars are parked at the western end of the parking lot. Therefore, a turnaround/maneuvering area must be provided so that vehicles using the parking lot can adequately maneuver regardless of whether or not the gate is open or closed. Vehicles must be able to navigate the parking lot area without having to back out onto Claggett Court. This may necessitate the relocation or redesign of the proposed access gate, to provide additional space for maneuverability. This will be made a condition of land use approval and must be reflected on the plans at the time of building permit approval.

With the above mentioned conditions of approval, staff finds the proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area. Therefore, this request satisfies this criterion.

- D. *The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.*

FINDINGS: The existing site is located within an established and developed neighborhood. The neighborhood surrounding the school consists of single family dwellings on individual lots, a manufactured home park, a memory care facility, and St. Edwards Catholic church. The location and function of the school has been at this location since 1964 and is an established and integral part of the surrounding area. The only vacant area in the vicinity is the identified expansion area of 6.18 acres to relocate the sports fields and build a new parking lot and access/egress to Claggett Court. The proposed renovation and expansion will not alter the character of the surrounding area. McNary High School and the associated activities that go along with it are long established and part of the neighborhood fabric. Staff has identified one area along the southern boundary adjacent to the tennis courts that must provide some additional landscape buffering between the courts and the single family dwelling directly to the south. This may be accomplished through landscaping such as providing a dense evergreen hedge, providing additional trees, or providing a combination of landscaping materials and sight obscuring fencing, a wall, or other means acceptable to the Community Development Director. A plan must be submitted to and approved by the Community Development Director prior to building permit approval showing how the area will be buffered from the noise and activities proposed.

With the above mentioned conditions of approval, staff finds this request satisfies this criterion

- E. *The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.*

FINDINGS: The Comprehensive Plan has several goals and policies that relate to the siting and development of schools. The applicant's written statement does an excellent job of addressing the applicable goals and policies. Generally speaking, the siting of schools, land acquisition, and planning for future growth are to be determined by the School District, based on the needs of the population within the district boundaries. One

of the specific goals and policies pertaining to secondary schools is to: *Locate secondary schools so that:*

- a. *They have adequate, safe, and direct access from principal street network.*
- b. *They are located in areas, which are geographically central to the population served.*
- c. *They are designed, cited and constructed to encourage the use of walkways, bikeways, and public transit.*

As was addressed earlier, the location is accessed primarily from Chemawa Road and Lockhaven Drive which are both minor arterial streets. The site also has access to River Road (via Claggett Court) which is a major arterial. The school is centrally located to the City, and the proposed site design incorporates pedestrian walkways and bicycle facilities and is served by public transit streets.

Therefore, staff finds this request complies with this criterion.

The proposed development meets the purpose and intent of the standards set forth within Section 3.103.03 and Section 2.204.03 of the Keizer Development Code. Therefore, the above request for a Conditional Use Permit is approved subject to certain conditions outlined above.

If you have any question about this application or the decision, please call (503) 856-3441 or visit the Community Development Department at the above address.

REPORT PREPARED BY Shane Witham, Senior Planner:

APPROVED BY:



Nate Brown, Community Development Director

Date: 3/29/19

Exhibit 3

TO: DINA RUSSELL, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: CONDITIONAL USE CASE NO. 2019-05

APPLICANT – SALEM KEIZER PUBLIC SCHOOLS
JOEL SMALLWOOD
ADDRESS – 595 CHEMAWA ROAD N

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The application is for expanding and renovating the existing McNary High School, including expansion of sports fields and parking lots.

SANITARY SEWERS:

- a) Any sewer service permits necessary shall be acquired from the City of Salem. Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the platted right of ways.

STREET AND DRAINAGE IMPROVEMENTS:

- a) All previous land use decisions that apply to the parcel will still be in effect. The new storm water runoff from the proposed structure enlargement and parking lot improvements will be required to be kept on-site or show how measured infiltration rates make full infiltration not feasible. For areas where it is determined to be not feasible for infiltration the applicant will be required to infiltrate the Water Quality storm event and also reduce total runoff for the site. The applicant will be required to furnish a drainage plan to show how any subsurface drainage will be treated and disposed.
- b) The applicant will be required to furnish evidence that the proposed building will not encroach on any existing utility easements.
- c) The revised TIA (Feb. 19, 2019) Indicates that signage for loading/unloading at the Claggett Street cul-de-sac will be required indicating that the loading/unloading will be within the public street section and not in the proposed new parking area. It is not clear where the loading/unloading area will be from the plans submitted. The public works department will require that plans be submitted for approval indicating where acceptable drop off/pick up areas will be and the signage proposed. It will be necessary for the applicant to show that sufficient roadway width is available for emergency vehicles to pass during the times of loading and unloading.
- d) Claggett Court was previously improved to 3/4 width in accordance with Conditions of Approval for Partition Case No 2012-08. Findings included under Section VI.D of the Decision established

that full width street improvements for Claggett Court were intended to be provided at time of development for the currently undeveloped property on Claggett Court. The applicant will be required to connect to existing pavement/curb tapers and complete the full width street improvement. This includes pavement widening, curb and any necessary drainage improvements along the south side of Claggett Court to the required curb to curb width of 32-ft. No sidewalk is required to be constructed along the south side of Claggett Court. The Public Works Director will recommend the City Council establish a No Parking Zone on the south side of Claggett Court from the intersection of River Road to the westerly end of Claggett Court that will include the bulb of the cul-de-sac.

WATER SYSTEM:

- a) Location of the existing water service lines serving the existing building must be shown on the building plans prior to any construction. Any relocation of the existing service line or lines will be at the applicant's expense.
- b) There are two known and active wells within the project limits. One is McNary Pump Station owned and operated by City of Keizer and the other is used by McNary High School for irrigation. Any existing private wells other than the one currently in use by McNary High School shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The applicant shall provide evidence to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- c) Easements will be required for any new or relocated public water mains and services. The Keizer Fire District (KFD) will determine if any additional fire hydrants will be required.

OTHER:

- a) Street opening permits are required for any work within the City Right of Way.
- b) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. A 1200C permit from DEQ will be required if limits of disturbed area exceed 5-acres.
- c) Construction permits are required by the Public Works Department prior to any public facility construction.
- d) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.