



**KEIZER COMMUNITY
DEVELOPMENT DEPARTMENT
NOTICE OF DECISION
Conditional Use Permit
2019-13**

I. REQUEST

The following report reviews a Conditional Use land use application request to expand a pre-existing nonconforming use. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/OWNER:** Church on the Hill of the Assemblies of God
- B. **AGENT:** Paul Wulf
- C. **PROPERTY LOCATION:** The subject property is located at 2105 Keizer Road NE. The Marion County Tax Assessor's map identifies this property as being located within Township 7 South; Range 3 West; Section 01B; Tax Lot 01300. (Exhibit 2)
- D. **PARCEL SIZE:** The subject property is approximately 2.94 acres in total area.
- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is developed with a house of worship and is served by both public water and sewer.
- F. **ZONING:** The subject property is designated Low Density Residential (LDR) on the Comprehensive Plan and zoned Residential Single Family (RS).
- G. **ADJACENT ZONING AND LAND USES:** Property to the east is Mike Whittam Park and is zoned Public (P). Properties to the north and west are zoned RS and residential dwellings are the primary use. The property across Keizer Road is zone Medium Density Residential (RM) and is developed with a Manufactured Home Park (Kennedy Meadows).
- H. **PROPOSAL:** The applicant is requesting approval of a Conditional Use Permit to allow the expansion of two additional classrooms located within Church on the Hill of the Assemblies of God. Current City of Keizer code allows a house of worship to be located on a collector or an arterial street. House of Worships are defined as a church, synagogue, temple, mosque, or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities, a residence and may include meeting rooms, classrooms, dining area and facilities. Because Keizer Road NE is not a collector or an arterial street, the existing house of worship is considered a legal nonconforming use which requires conditional use approval with an expansion.

III. COMMENTS

AGENCY COMMENTS:

- A. The Keizer Public Works Department submitted comments (Exhibit 3) regarding closing the middle access point onto Keizer Road and other permit requirements.
- B. The Keizer Police Department and the City of Salem Planning Division submitted they have reviewed the proposal and have no comment.

IV. FINDINGS AND CONCLUSIONS

The following are findings for the proposed Conditional Use to allow the expansion of a pre-existing nonconforming use. While the intent is to bring nonconforming uses, developments, and structures into compliance with the Keizer Development Code, thereby minimizing the impacts of such nonconforming status, the Keizer Development Code makes allowance for these nonconformities to continue in certain situations. Expansion of a nonconforming use is only allowed with conditional use permit approval as outlined in section 2.204 of the Keizer Development Code.

SECTION 2.204 CONDITIONAL USE PERMIT CRITERIA FOR NONCONFORMING USE APPROVAL

- A. *The proposed extension, alteration, enlargement of use is consistent with the general development character of the surrounding area;*

FINDINGS: As mentioned above, the property to the east is developed as a park and is zoned P and properties to the north and west are zoned RS and residential dwellings are the primary use. The property across Keizer Road is zone RM and is developed with a Manufactured Home Park (Kennedy Meadows). The subject property is developed as a house of worship that also includes a school. It is not envisioned that the proposed building expansion for the house of worship will alter the character of the surrounding area. The house of worship has been in existence since 1986 and has become a part of the neighborhood.

The request is to add two additional classrooms to the building. One to be used strictly for the school and one for the house of worship's youth ministry. The size of the lot combined with the fact the proposed building addition will be at the building front facing the parking lot, any impact will be minimal to the surrounding properties. As a condition of approval, the applicant will be required to place the addition substantially as indicated on the applicant's site plan. Because of these factors, this proposal will not limit, impair, or preclude the use of the subject or surrounding properties for the primary uses of the zone. For these reasons, staff finds this request complies with this criterion.

- B. *The degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension, alteration, enlargement of use;***

FINDINGS: The proposed building addition is not envisioned to result in a change in the number of users to and from the site creating additional traffic, noise, or any other adverse impacts on surrounding properties. Therefore, staff finds this request satisfies this criterion.

- C. *The number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located;***

FINDINGS: The house of worship has been in existence for some time and has become a part of a functioning neighborhood. The number of users to and from the site is not anticipated to increase with this proposal. The applicant's statement indicates the additional classrooms are needed to eliminate safety and security concerns as presently two of the existing classrooms exit directly to the outside. With this addition, those existing classrooms will have access to an interior hallway. Therefore staff finds this request complies with this criterion.

- D. *The amount and nature of outside storage, loading, and parking will not be increased or altered by the proposed extension, alteration, enlargement of use so as to cause further impacts;***

FINDINGS: The project proposes adding additional classroom space to an existing house of worship that also includes a school. There is no outside storage, loading areas or increased parking proposed at this time. Public Works has commented (Exhibit 3) the current configuration of driveway access from Keizer Road exceeds the allowed accesses to a parcel of property. The Public Works Department will require that the middle access on Keizer Road be closed and will be placed as a condition of the Conditional Use approval. Staff finds this criteria can be met and complies with this criterion.

- E. *The hours of operation for the proposed extension, alteration, enlargement of use will not be altered or increased beyond those of the existing nonconforming use;***

FINDINGS: The request is to enlarge a nonconforming house of worship in the RS zone. This criteria does not apply to this project.

- F. *If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement must comply with the applicable development standards of the KDC and all other applicable ordinances and regulations.***

FINDINGS: The project consists of adding additional classroom space to an existing house of worship. With this project, developmental standards of the City of Keizer's Development Code RS zone must be demonstrated and will be reviewed at the time of building permit approval. These standards include setbacks, off-street parking, building design standards and landscaping. The applicant submitted a site plan indicating the new addition will be located at the front of the building facing the parking lot. As a condition of approval, the applicant will be required to place the addition substantially as indicated on

the applicant's site plan. Staff finds this criteria can be met during the building permit approval process.

SECTION 3.103.03 CONDITIONAL USE PERMIT CRITERIA FOR APPROVAL

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

FINDINGS: This criteria does not specifically apply to this project as this request is to allow an existing legal nonconforming use to expand or change. Section 2.204.03 of the Keizer Development Code permits *pre-existing legal non-conforming uses* to expand or change if they were lawfully established under the applicable City or County land use regulations at the time the use was established. While the use is not listed as a conditional use in the underlying district, conditional use permit approval is still required by the provisions of the Keizer Development Code Section 2.204. Staff finds this criteria is not applicable to this request.

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 2.94 acres and is developed with an existing house of worship that also includes a school. The applicant is proposing a 1,779 square foot addition to the front of the building to provide two additional classrooms. The property is of sufficient size to accommodate the proposed building expansion and exceed the required setbacks. The site is relatively flat with no natural features that would preclude the use as building expansion. There will be no change in the intensity of the use, and the building addition will be consistent with the architecture of the existing building. As such, staff finds the request to allow the placement of a building addition 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 property is served by city water and sewer and has an existing access onto Keizer Road NE. The proposed building expansion will not result in the need for any expansion of services to the site. The building addition will be built on the front of the building and is proposed to exceed the required setbacks of the underlying zone with no intensification to the use of the site. The site has access to Keizer Road NE, which is classified within the Keizer Transportation System Plan as a local street and is capable of continuing to serve the property. Public Works has noted in their comments that a fire hydrant is located on the subject property. As a condition of approval, the applicant shall provide the Public Works department with documentation that the hydrant is located within an easement. With the easement requirement placed as a condition of this approval, Staff finds this criteria can be met and complies with 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: As mentioned above, the property to the east is developed as a park, properties to the north and west are primarily developed as single family and the property directly across Keizer Road is a Manufactured Home Park. The subject property is developed as a house of worship that also includes a school. It is not envisioned that the proposed building expansion for the house of worship will alter the character of the surrounding area or effect the surrounding properties. The house of worship has been in existence since 1986 and has become a part of the neighborhood. It should be noted that a house of worship is an allowed use within the RS zone as a special permitted use on properties that are located on a collector or arterial street as categorized in the City of Keizer's Transportation System Plan. Because the house of worship was legally built in 1986 and Keizer Road is categorized as a local street, the house of worship is considered a legal nonconforming use. Because of these factors, this proposal will not limit, impair, or preclude the use of the subject or surrounding properties for the primary uses of the zone. For these reasons, staff finds this request complies with this criterion.

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

FINDINGS: There are no specific goals or policies in the Comprehensive Plan that speak directly to the issue of expanding a pre-existing nonconforming structure, however there are goals and policies which generally can be used for guidance in determining whether or not this proposal is consistent with the provisions of the Comprehensive Plan. Goal 4 for low density residential properties in the Comprehensive Plan is to provide and allow for appropriate levels of residential development consistent with comprehensive plan designations. Our subject property is zoned Single Family Residential (RS) and Low Density Residential (LDR) on the Comprehensive Plan Map. Policies for these areas include allowing single-family residential uses as the predominant land use type but allowing uses like schools, neighborhood shopping facilities, parks and churches subject to conditional use or special permitted criteria. In the case of churches, or houses of worship, our current code allows them on RS zoned properties as a special permitted use when located on a collector or arterial street. When the house of worship was originally built locating on a collector or arterial was not a requirement. Staff finds this request satisfies this criterion.

V. 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. Findings in support of the decision can be found in Section IV, Page 2. 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 received in writing by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer, by **5:00 p.m. on June 21, 2019.**

Unless this decision is appealed it becomes final on June 22, 2019

VI. CONDITIONS AND REQUIREMENTS

- A. **CONDITIONS:** The following conditions must be continually met, as a condition of the particular land use:
 - 1. The Conditional Use Permit is approved to allow the addition of two classrooms. The new building area must substantially conform to this proposal. The area shall meet with all other requirements outlined in the Keizer Development Code.
 - 2. The new building area shall comply with all applicable requirements of the Marion County Building Inspection Division and Keizer Community Development Department including but not limited to building permit approval. Building permits must be obtained prior to construction.
 - 3. All requirements and conditions of the Public Works Department must be adhered to at the time of development as outlined in **Exhibit 3**. These requirements includes the reduction of the driveway and the fire hydrant easement, along with other general standards governing the development proposal.

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

- 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.

The proposed development meets the purpose and intent of the standards set forth within Section 2.204 *Nonconforming Uses* of the Keizer Development Code. Therefore, the above request for a Conditional Use Permit to add two additional classrooms is approved for the property located at 2105 Keizer Rd NE. If you have any question about this application or the decision, please contact the Community Development Department at (503) 856-3441 or visit the Community Development Department at the above address.

REPORT PREPARED BY: Dina Russell Assistant Planner:

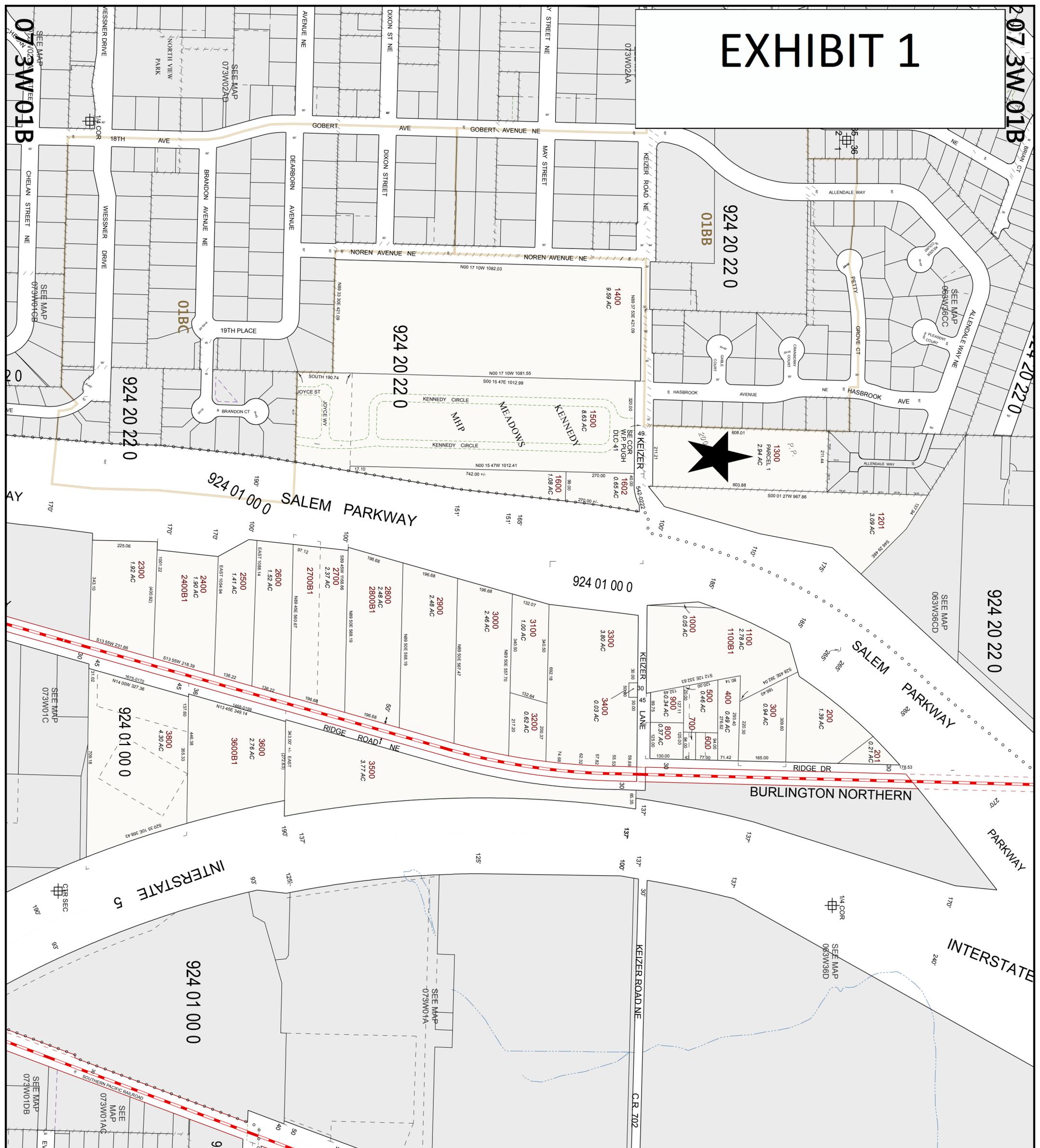
APPROVED BY:



Nate Brown, Community Development Director

Date: 6/11/19

EXHIBIT 1



07 3W 01B

KEIZER



MARION COUNTY, OREGON
 NW1/4 SEC1 T7S R3W W.M.
 SCALE 1" = 200'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ 16.15
 - ⊕ Section Corner
 - 21.22
- NUMBERS**
- Tax Code Number
000 00 00 0
- Acreage
 0.25 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

1200
1301
1601
1700
1800
1900
2000
2100
2199
2200
2201
2300B1
3000
3300B1
3800A2
3800A2
3900

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 1/24/2018

KEIZER
07 3W 01B

EXHIBIT 3

TO: DINA RUSSELL, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: CONDITIONAL USE CASE NO. 2019-13

APPLICANT – CHURCH ON THE HILL OF THE ASSEMBLIES OF GOD
ADDRESS – 2105 KEIZER RD. NE

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The applicant is requesting to expand a pre-existing non-conforming use. Church on the Hill of the Assemblies of God is proposing to add 2 additional classrooms.

SANITARY SEWERS:

- a) Any sewer service permits necessary shall be acquired from the City of Salem.

STREET AND DRAINAGE IMPROVEMENTS:

- a) All previous land use decisions that apply to the parcel will still be in effect. No public street or storm drain plans are being required by the Department of Public Works but the current configuration of driveway access from Keizer Road exceeds the allowed accesses to a parcel of property. The Public Works Department will require that the middle access on Keizer Road be closed. Closure of this access will include removal of the existing gravel within the public right of way and providing adequate vegetation to replace the disturbed driveway surface. Stormwater runoff from the proposed structure enlargement will be required to be kept on-site.
- b) The applicant will be required to furnish evidence that the proposed building will not encroach on any existing utility easements.

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) An existing public water line is located along the adjacent City of Keizer property to the east of the subject property. An existing fire hydrant connected to the existing water main is located on the subject property. The applicant shall provide adequate evidence that the hydrant is located within an easement on the subject property or provide an easement to the City of Keizer for the hydrant. The easement area to be provided shall be a minimum of 5 feet on each side of the hydrant to allow for adequate access to the hydrant.

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.