



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION**

Conditional Use Case 2020-14

I. REQUEST

The following report reviews a land use application request for a Conditional Use Permit to allow the replacement of an existing single-family dwelling on a parcel located within the UT (Urban Transition) zone. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/AGENT:** Peter Strauhal
- B. **OWNER:** Daljit Singh and Pushpa Rani
- C. **PROPERTY LOCATION:** The subject property is located at 7585 Wheatland Rd N, Keizer. The Marion County Tax Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 23CD; Tax Lot 01400. (Exhibit 2)
- D. **PARCEL SIZE:** The subject property is approximately .80 acres in area.
- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is served by public sewer and has an onsite private well.
- F. **ZONING:** The subject property is designated Low Density Residential (LDR) in the Comprehensive Plan and is zoned Urban Transition (UT).
- G. **ADJACENT ZONING AND LAND USES:** The properties to the north are zoned Single Family Residential (RS) and properties to the south are zoned UT. Single-family dwellings are the predominate use.

III. COMMENTS

- A. The Keizer Public Works department provided comments indicating a 4' right-of-way dedication, a street widening improvement and a sidewalk along the entire frontage of Wheatland Road is included in application. (Exhibit 3).
- B. The Marion County Fire District #1 responded with comments. Their comments are attached as Exhibit 4.
- C. The Keizer Police Department and the City of Salem Planning Department responded that they have reviewed the proposal and have no comments.

IV. FINDINGS AND CONCLUSIONS

The subject property is zoned UT and designated Low Density Residential (LDR) in the comprehensive plan, which means the Single Family Residential (RS) zone is the most restrictive zone that can be applied to this parcel. This request is to the existing single family dwelling and replace it with a new larger single family dwelling, which is an allowed use in the RS zone, and therefore is allowed in the UT zone, subject to Conditional Use Permit approval.

Staff concludes the proposal complies with the applicable decision criteria of the Conditional Use Permit. The following are findings for the proposed Conditional Use to allow the replacement of a single family dwelling on a .80 acre parcel in a UT (Urban Transition) zone in accordance with Sections 2.118.04 and 3.103.03 of the KDC.

SECTION 2.118.04 – CONDITIONAL USE CRITERIA - UT ZONE:

A. *The use will not increase traffic beyond the capacity of existing roads:*

FINDINGS: The subject property is located along Wheatland Rd which is a part of the city's public street system. Wheatland Rd is identified in the City's Transportation System Plan as a minor arterial street and is designed to carry a significant volume of traffic through the City. The applicant's proposal is to replace an existing single family dwelling with a new single family dwelling. Due to the fact the use will remain one single family dwelling, it is not anticipated to generate additional traffic. In addition, the applicant is proposing a 4' right-of-way dedication, a street widening improvement and a sidewalk along the Wheatland Road frontage. Since the amount of traffic is not anticipated to increase and the existing transportation system is adequate to provide access for the proposed development, staff finds this request satisfies this criterion.

B. *It will be located in such a manner that any significant unused portion of the property has adequate development options and will not restrict development options on adjacent properties:*

FINDINGS: The property is approximately .80 acres in area. The existing dwelling is located toward the front of the property which helps to maximize the redevelopment potential of the property. The new dwelling is proposed to be located 42' from the front property line and approximately 231' from the rear property line allowing for future development to the west end of the site and will not block the potential future 46' wide connection to 2nd Av N. It is not envisioned that the proposal would have any impact on any pending or future development options on any adjacent properties as well. Therefore, the proposal meets with this criterion.

C. *The use can utilize rural services or existing urban services, and will not individually or together with nearby uses increase the pressure for installation of new urban services:*

FINDINGS: The existing dwelling is hooked up to public sewer and utilizes a private well for water. It is intended that the sewer will be disconnected from the existing dwelling at time of demolition and then reconnected to the newly constructed dwelling. The Keizer Public Works department submitted comments (Exhibit 3) indicating the

sewer reconnect will require the City of Salem approval. In addition, a new water service will be required and the existing well be abandoned in accordance with the Oregon Department of Water Resources rules. With these conditions, staff finds this request complies with this criterion.

D. *The use meets the development standards of the most restrictive zone in the zoning ordinance consistent with the Comprehensive Plan designation:*

FINDINGS: The Comprehensive Plan designation for the subject property is Low Density Residential (LDR). The most restrictive zone in the LDR Comprehensive Plan designation is (RS) Single Family Residential. Single family dwellings are an allowed use within the RS zone. The applicant's site plan indicates a new driveway location and a newly constructed replacement dwelling. ~~The dwelling will be located approximately 42' from the front (west) property line and approximately 231' from the rear (east),~~ The dwelling will be located approximately 35' from the front (east) property line and over 200' from the rear (west), which exceeds the setback requirements of the RS zone. In addition, the proposed development does comply with the development standards identified in Section 2.102.06 within the RS zone including off-street parking, yard and lots, accessory structures, landscaping, and lot coverage. The City of Keizer Public Works has submitted comments requiring a turnaround for vehicles using the new driveway eliminating any vehicle from backing out onto Wheatland Rd. The turnaround will be reviewed as part of the building permit process and shall be included on the building permit site plan. With this condition placed on the building permit, Staff finds this proposal meets with this criterion.

E. *The expansion will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing on the effective date of the application of this zone to the property:*

FINDINGS: The UT zone is intended to allow the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development. Properties that have available urban services, or can be served by the City's infrastructure system will be allowed to develop with a demonstration that the efficient use of the land proposed for development will be made and will not impair the development of surrounding properties. In this case the existing dwelling will be demolished and a new dwelling built. This is not considered an expansion of the current use but rather a new use. In addition by locating the new dwelling towards the front of the lot, it allows for the future connectivity to 2nd Av N and has potential for redevelopment. Staff finds this criterion does not apply to this proposal.

F. *The Comprehensive Plan designation clearly indicates that the use to be expanded will be a permitted use in the zones typically applied in the applicable designation:*

FINDINGS: The proposed use complies with both the Keizer Development Code and the City of Keizer Comprehensive Plan. The Comprehensive Plan designation for the subject property is Low Density Residential. The building of a single family dwelling is an allowed use within the Low Density Residential designation. Therefore, staff finds the proposed development complies with this criterion.

- G. **No new residential structures or mobile homes except as provided for in Section 2.118.02(E) are permitted unless the area is designated for residential development and the most restrictive zone would permit the residential use or mobile home:**

FINDINGS: The proposal is for the replacement of a single family dwelling. The Comprehensive Plan designation for the subject property is Low Density Residential (LDR). The most restrictive zone in the LDR Comprehensive Plan designation is (RS) Single Family Residential. Single family dwellings are an allowed use within the RS zone. Therefore, staff finds this proposal meets this criterion.

SECTION 3.103.03 – CONDITIONAL USE CRITERIA:

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

FINDINGS: The subject property is zoned Urban Transition (UT) and is approximately .80 acres in area. Section 2.118.03 *Conditional Uses* in the UT zone allows for parcels ½ acre or larger, any permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation, which in this case is Single Family Residential (RS). The RS zone allows detached single family dwellings on a lot as a Permitted Use. Therefore, staff finds this proposal satisfies this criterion.

- 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 developed with an existing single family dwelling that will be demolished and a new dwelling constructed. The property is relatively flat with no distinguishing, constraining topographical features, or natural features such as wetlands or floodplains that might constrain the development and use of the site. The property is .80 acre in size and is located on a minor arterial. The immediate surrounding properties are developed with single family dwellings that are similarly situated. The applicant's site plan demonstrates the new dwelling can satisfy setback and lot coverage requirements. Staff finds that given the size and shape of the site combined with the lack of constraining natural features, that it is suitable for the proposed new single family dwelling. Therefore, this proposal complies with 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 subject property is located along Wheatland Road N, which is a part of the city's public street system. Full improvements are not currently on the west side of the road in this section of Wheatland Road. The Applicant's submittal proposes improvement to the property along Wheatland Road. The City of Keizer Public Works Department has submitted comments (Exhibit 3) to require improvements be built along the subject property. Improvements would included, street widening, type A curb and gutter, and a 6-foot wide sidewalk. These improvements will be required as a condition of the public improvements. With the condition of improvements through the City of Keizer Public Works' public improvement process, staff finds 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: Properties to the north are zone RS and are developed with single family dwellings. The property to the immediate south is zoned UT. The UT zone is intended to retain and protect undeveloped properties and properties that are able to be redeveloped for future urban uses. The UT zone allows the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development, and requires that new development be consistent with the underlying comprehensive plan designation applied to the property. As addressed earlier, the location of the new dwelling will allow ample room for the property to be redeveloped in the future. It is not envisioned that the proposal would have any impact on any pending or future development options on any adjacent properties. Therefore, the proposal satisfies this criterion.

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

FINDINGS: Chapter 3.C of the Comprehensive Plan contains goals and policies specific to Land Use and Economic Development. Goal 1 of the Residential Development Goals, Objectives and Policies contained within the Comprehensive Plan, which is to “Provide residential land to meet a range of needed housing types.” Policy 1.1(6) further clarifies this goal: *Encourage infill or existing lots that is sensitive to the existing neighborhood patterns.* Although this proposal is not to divide and build additional housing at this time, it is consistent with this goal and policy in that the potential for infill development remains. Therefore, the proposal is consistent with the applicable goals and policies of the Comprehensive Plan and complies with 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 noted below. Findings in support of the decision can be found in Section VII, 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 in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on September 8, 2020.

Unless this decision is appealed it becomes final on September 9, 2020

VI. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

- A. CONDITIONS: The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:
1. All City of Keizer Public Works conditions as stated in Exhibit 3.
 2. The addition shall comply with the requirements of the Marion County Building Inspection Department and comply with all applicable development standards of the Keizer Development Code.
 3. Buildings are required to be located substantially as shown on the proposed site plan.
- 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 2.118 Urban Transition Zone of the Keizer Development Code. Therefore, the above request for a Conditional Use Permit for property located at the 7585 Wheatland Rd N is approved. 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: Dina Horner-Russell, Assistant Planner

APPROVED BY:


Shane Witham, Interim Community Development Director

Date:



EXHIBIT 2



KEIZER



MARION COUNTY, OREGON
 SE1/4 SW1/4 SEC23 T6S R3W W.M.
 SCALE 1" = 100'

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
 - Waterline - Non Bndry
- CORNER TYPES**
- + 1/16th Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊖ Section Corner
 - ⊞ Section Corner
- NUMBERS**
- Tax Code Number
 000 00 00 0
- Acreage
 0.25 AC

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

CANCELLED NUMBERS	
101	
103	
500	
600	
603	
700	
800	
1000	
1100	
1500	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.comarion.or.us

PLOT DATE: 7/3/2019

KEIZER

EXHIBIT 3

CONDITIONAL USE CASE NO. 2020-14
ADDRESS – 7585 WHEATLAND RD. N.
ZONE: URBAN TRANSITION (UT) in the City of Keizer

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for a Conditional Use to allow a single-family dwelling residence on an existing lot located within the City of Keizer and the Urban Transition (UT) zone. The proposed dwelling will replace an existing home. The application includes a proposed four foot right of way dedication a street widening improvement and a sidewalk along the entire frontage of Wheatland Road.

SANITARY SEWERS:

It is the developer's responsibility to connect the proposed development to the appropriate master plan sewer lines designed to serve the area.

- a) The existing home is connected to the existing sanitary sewer line in Wheatland Road and will require City of Salem approval for local sewer permits to disconnect the existing home from the sewer trunk line and reconnect with the appropriate size necessary to serve the proposed new dwelling if required by the City of Salem.
- b) No new sewer mains are anticipated for the subject property at this time.
- c) The property is located outside of the original Keizer Sewer District and has previously been assessed an acreage fee for sanitary sewer. No new assessment is required at this time.
- d) Any septic tank and drain field located on the subject property and within the City of Keizer shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.

WATER SYSTEM:

- a) The application will require a new individual water service for the proposed new dwelling.
- b) An existing fire hydrant exists on Wheatland Road approximately 300 feet south of the center of the subject parcel. The need for an additional hydrant for the proposed new dwelling will be determined by Marion County Fire District No. 1.
- c) Location of the new water service shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- d) Any existing wells on the subject property shall be abandoned in accordance with the Oregon Department of Water Resources rules for abandonment.

STREET AND DRAINAGE IMPROVEMENTS:

- a) The existing home has an existing driveway on Wheatland Road. The submitted application calls for a new driveway to serve the proposed new dwelling. A turnaround for vehicles using the new driveway will be required to eliminate any vehicle from backing out onto Wheatland Rd. The turnaround will be reviewable as part of the building permit and shall be included on the building permit site plan.
- b) The right of way dedication along the frontage of Wheatland Road will be dedicated in a format approved by the City of Keizer Legal Department. The dedication will result in a 34 foot right of way from the existing right of way centerline of Wheatland Road.
- c) Wheatland Road will be widened to provide for additional pavement, type A curb and gutter, and a 6-foot property line sidewalk. The Wheatland Road improvements, including the 6-foot property line sidewalk, will be required as a condition of the public improvements. Wheatland Road will be widened to 18 feet from centerline of right of way to the new face of curb. The improvement will include a 6-foot bicycle path with striping. Pavement tapers at both the north and south ends of the widening improvement shall be required.
- d) A storm drainage plan shall be designed for the proposed public improvements to keep all storm water runoff on-site. No storm water runoff from the new private development shall be directed to Wheatland Road.

OTHER

- a) Construction permits are required by the Public Works Department prior to any public facility construction as well as private utility construction within existing right of ways.
- b) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
- c) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- e) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

BOARD OF DIRECTORS

Kim Batchelor
Sue Curths
Tom Marks
Patrick Sieng
Mike Welter

CHIEF OF DISTRICT
Kyle McMann



FOUR CORNERS STATION
MIDDLE GROVE STATION
PRATUM STATION
MACLEAY STATION
BROOKS STATION
CLEAR LAKE STATION
LABISH CENTER STATION
COLLEGE STATION

EXHIBIT 4

Date: August 5, 2020

Comments for Conditional Use Case 2020-14/ 7585 Wheatland Rd N Keizer, Or.

This project must meet the following code requirements per Marion County Fire District No. 1:

1. **Single-family dwelling required fire flow:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1000 gpm. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to 2019 Oregon Fire Code Appendix B.
2. **Fire safety during construction:** Approved fire department access road, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. (2019 Oregon Fire Code Chapter 33)
3. **Fire apparatus access road width and vertical clearance:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants (2019 OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (2019 OFC 503.2.1 & D103.1)
4. **Surface and load capacities:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,000 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Oregon Fire Code may be requested. (2019 OFC D102.1)
5. **Turning radius:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (2019 Oregon Fire Code 503.2.4 & Appendix D 103.3)
6. **Premise identification:** Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches' height with a minimum stroke width of ½ inch. (2019 Oregon Fire Code 505)
7. **No Parking Signs:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles or a turnaround is required, "No Parking – Fire Lane" signs shall be installed on both sides if 20' feet - 26' feet, roads more than 26' feet wide - 32' feet wide shall be posted on one side as a fire lane. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. (2019 Oregon Fire Code 503.3 & D103.6, D103.6.1 & D103.6.2)

If you have any questions please contact me,

Paula Smith

Paula Smith, Fire Marshal

*Marion County Fire District No.1
300 Cordon Rd NE
Salem, Oregon 97317*

*503-588-6513 Office
503-522-4006 Cell
503-588-6537 Fax*

paulas@mcfdl.com