



**KEIZER PLANNING DEPARTMENT  
NOTICE OF DECISION  
Variance Case 2022-07**

**I. REQUEST**

The following report reviews a land use application for a Minor Variance to increase the allowable maximum density for a property with a Medium-High Density Residential (MHDR) Comprehensive Designation located within the River-Cherry Overlay District (RCOD) to 28.8 units per acre where 24 dwelling units is allowed by the Keizer Development Code. The applicant is proposing to build 13 dwelling units on a .46 acre parcel (Exhibit 1).

**II. BACKGROUND**

- A. APPLICANT/OWNER:** Chris Anderson – Anderson Property Solutions Inc.
- B. PROPERTY LOCATION:** The subject property is located at 641 Plymouth Dr NE, Keizer, Oregon. The County Tax Assessor’s map identifies the property as being located within Township 7 South; Range 3 West; Section 11CB; Tax Lot 1400 (Exhibit 2).
- C. PARCEL SIZE:** The subject property is approximately .46 acres in area.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is currently developed with a 4-plex development and connected to both public water and sewer.
- E. ZONING:** The subject property is designated Medium-High Density Residential (MHDR) on the Comprehensive Plan Map and is zoned Medium Density Residential (RM)
- F. ADJACENT ZONING AND LAND USES:** The property directly to the east of the subject property is zoned Medium Density Residential (RM) and the property to the west is zoned Mixed Use (MU). Across the street is both zoned MU and RM. The predominate use in the area is multi-family developments. The properties immediately to the north are zoned MU and Single Family Residential (RS) and are developed with a commercial building and a single family dwelling respectively.

**III. COMMENTS**

- A.** The Keizer Public Works Department reviewed the proposal and submitted comments which are attached. (Exhibit 3)
- B.** The Keizer Police Department and the City of Salem Planning Department reviewed the proposal and determined they have no comments.

#### IV. FINDINGS AND CONCLUSIONS

- A. The applicant is proposing to construct a multi-family development with a higher density than what is currently allowed. Therefore, variance approval is required as this proposal does not comply with requirements of the Keizer Development Code.
- B. The decision criteria for a Minor Variance are contained in Section 3.105.04 of the Keizer Development Code. The criteria and staff's findings are listed below:
- 1.
- a. *The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or,*
  - b. *The variance requested is consistent with the intent and purpose of the provision being varied; or*
  - c. *The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied.*

**FINDINGS:** The subject property is within the River Cherry Overlay District (RCOD) and is zoned RM. Multi-family dwellings are an outright permitted use in the zone. The applicant is requesting this variance to allow a slight density increase, allowing for 2 additional units beyond what is currently allowed by the Keizer Development Code.

Density provisions are intended, in part, to prevent “over-building” on properties and to regulate the number of dwelling units in a manner that allows for adequate areas for buildings, required parking, landscaping, and associated open space. Density requirements are tied to comprehensive plan designations and are used as a tool to project what type of development is allowable and expected in identified zoning designations, which helps cities identify land needs to accommodate housing types and projected growth. In Keizer, there is currently a deficit of available lands for housing in all categories of housing types and zoning designations. In this case, the applicant is requesting a minor variance to increase the maximum density allowed from 24 units per acre up to 28.8 units per acre. The applicant’s site plan and written statement demonstrate that adequate parking will be provided as well as adequate landscaped area. Because of these factors, staff finds this request is consistent with the intent of the established density provisions in Keizer. In addition, it allows for needed housing in an area which is zoned to accommodate multi-family development.

Taking into consideration the applicant’s proposal and comments received, staff finds this request is consistent with the intent and purpose of the provisions being varied. At the time of development, the applicant’s proposal shall substantially conform to what has been submitted with this application. A maximum of 13 units shall be allowed. With this condition, staff finds this request satisfies this criterion.

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

**FINDINGS:** The proposed development will not impact adjacent or planned uses unreasonably. The properties to the east, west and south are developed with existing multi-family development. This proposal is not inconsistent with the surrounding area or expected development patterns for the RM zone.

As a condition of variance approval, the structure shall be located substantially as shown. This will be regulated through the building permit approval process. Building permits must be obtained to ensure the new construction complies with the provisions of the building code. All other design requirements of the development code relating to aesthetics, location, height, building separation, parking and landscaping requirements, and exterior finish must be followed and will be regulated as a part of the building permit review which will require it to be constructed consistent with the city design provisions.

Taking all of these factors into consideration, staff finds the proposal will not unreasonably impact adjacent existing or planned uses. Therefore, this request satisfies this criterion.

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

**FINDINGS:** The maximum density allowed for multi-family development in the RM zone for properties within the RCOD with a MHDR Comprehensive Plan designation, is 24 units per acre. A 20% increase to this standard is equal to 28.8 units per acre. The subject property is 0.46 acres in area and the applicant proposed to construct an additional 9 units on the property which contains an existing 4-plex. The total number of units proposed for the site is 13. This equates to a density of 28.26 units per acre, which is an increase of 17.75%.

As a condition of approval, the proposed structure must be built consistent with the applicant's proposal and will be limited to a total of 13 dwelling. This will be placed as a condition of approval and will be regulated through the building permit review and approval process. Staff finds this request satisfies this criterion.

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

**FINDINGS:** There are no other previous land use actions affecting this property that would not allow this particular variance. Staff therefore finds this request satisfies this criterion.

## V. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Minor Variance application subject to the conditions and requirements found in Section VI. of this report. Findings in support of this decision are found in Section IV. of this decision.

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 Planning Department, 930 Chemawa Road NE, Keizer by 5:00pm on June 20, 2022.

<b>Unless this decision is appealed it becomes final on June 21, 2022</b>
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## 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. The proposed variance request is approved to allow a maximum of 13 dwelling units for the proposed development. The development must comply with all other applicable requirements of the Keizer Development Code.
  2. The applicant shall comply with the requirements of the Marion County Building Inspection Division and with all applicable development standards of the Keizer Development Code.
  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 include provisions for sanitary sewers, water, street and drainage improvements, 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 such as a storm water permit for example, 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 VARIANCE:** This variance request shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

The proposed development meets the purpose and intent of the standards set forth within Sections 2.104 Medium Density Residential and 2.130 River-Cherry Overlay District of the Keizer Development Code and complies with Section 3.105 *Variations – Minor and Major* of the Keizer Development Code. Therefore, the above request for a Minor Variance request for property located at 641 Plymouth Dr NE is approved.

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

REPORT PREPARED BY: Dina Horner, Assistant Planner

APPROVED BY:

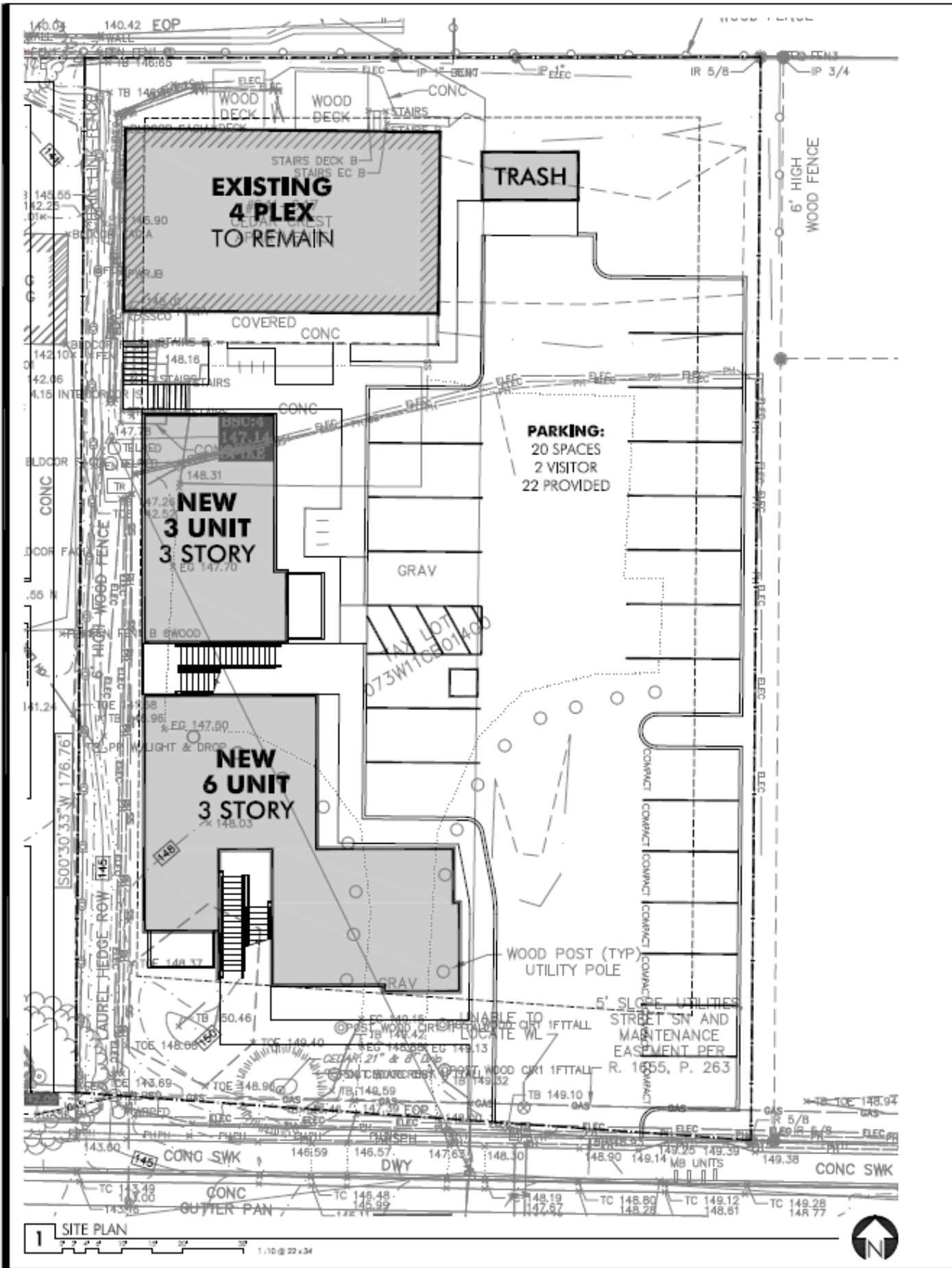


Shane Witham, Planning Director

Date:

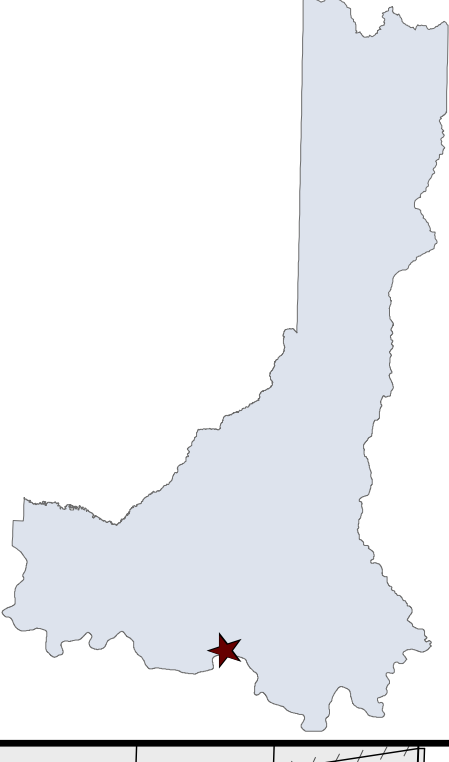
6/9/22

# EXHIBIT 1



**1 SITE PLAN**  
 1:10 @ 22 x 34





MARION COUNTY, OREGON  
NW1/4 SW1/4 SEC11 T7S R3W W.M.  
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
  - - - Historical Boundary
  - - - Road Right-of-Way
  - - - Easement
  - - - Railroad Right-of-Way
  - - - Railroad Centerline
  - - - Private Road ROW
  - - - Taxcode Line
  - - - Subdivision/Plat Bndry
  - - - Map Boundary
  - - - Waterline - Taxlot Bndry
  - - - Waterline - Non Bndry
- CORNER TYPES**
- + 1/16TH Section Cor.
  - ⊕ 1/4 Section Cor.
  - ⊙ DLC Corner
  - ⊕ 16 15 Section Corner
  - ⊕ 21 22 Section Corner
- NUMBERS**
- Tax Code Number  
**00 00 0**

**NOTES**

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

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWS

EXHIBIT 2

CANCELLED NUMBERS
1300
1500
1700
2001
2201L1
3201
4400
5000
5100

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 10/16/2020



MINOR VARIANCE CASE NO. 2022-07  
ADDRESS – 641 PLYMOUTH DR. NE  
ZONE: MEDIUM DENSITY RESIDENTIAL (RM)

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for a minor variance to increase the allowed number of units on the subject property from 11 units to 13 units.

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.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street or access easement.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for the subject property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the platted right of ways. Easements will be required for all private sewer lines that cross private properties.
- d.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- e.) Any septic tank and drain field on the subject property 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 new individual water services if services have not yet been installed. New service lines shall be installed by City forces and paid for by the developer or builder.



- b.) It is the Public Works Department understanding that the proposed buildings will be sprinkled and appropriate plans shall be submitted to the Public Works Department prior to any construction on the subject property.
- c.) Location of water meters 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 State Water Resources Department requirements.

#### STREET AND DRAINAGE IMPROVEMENTS:

- a.) Public street improvements will be required for the street frontage on Plymouth Drive in the form of an acceptable driveway access to the proposed development and removal of the existing driveway.

A storm drainage plan shall be designed for the improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Plymouth Drive.

- b.) A grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. The grading and drainage plan shall be submitted for review and approval prior to issuance of any construction or building permits for the subject property.
- c.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

#### 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.