



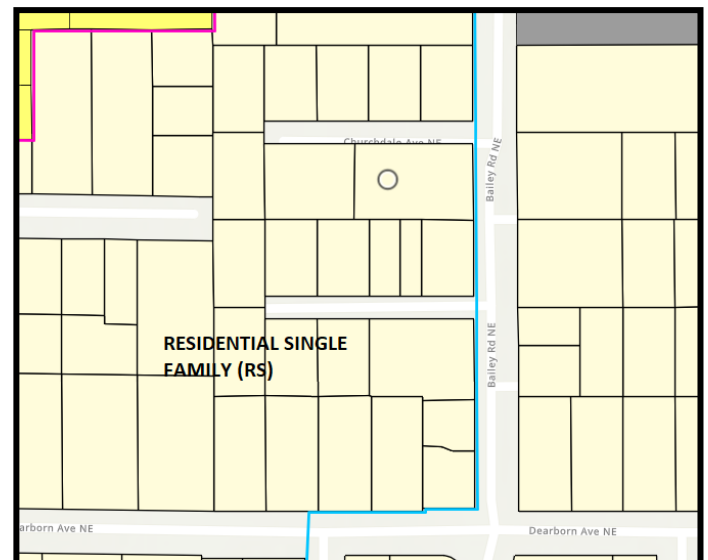
**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Conditional Use Case 2023-11**

I. REQUEST

The following report reviews a land use application request for a Conditional Use Permit to allow the operation of a daycare facility for 17 or more children on a property where a house of worship currently exists. The property is zoned Single Family Residential (RS).

II. BACKGROUND

- A. **APPLICANT/OWNER:** Opengate House of worship of the Nazarene
dba TrueLife House of worship of the Nazarene
- B. **PROPERTY LOCATION:** The subject property is located at 4855 Bailey Road NE, Keizer. The Marion County Tax Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 02BD; Tax Lot 03300. (Exhibit 1)
- D. **PARCEL SIZE:** The subject property is approximately .38 acres in area.
- E. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is served by public water and sanitary sewer and is developed with a house of worship.
- F. **ZONING:** The subject property is designated LDR (Low Density Residential) in the Comprehensive Plan and is zoned RS (Residential Single Family).
- G. **ADJACENT ZONING AND LAND USES:** The surrounding properties are zoned RS and single-family dwellings are the predominate use.



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.

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 Planning Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on September 25, 2023.

Unless this decision is appealed it becomes final on September 26, 2023.

V. FINDINGS AND CONCLUSIONS

Section 2.102.04 in the RS zone states that a day care facility for 17 or more children consistent with state regulations is permitted as a Conditional Use and must comply with the review criteria listed in Section 3.103.03 of the Keizer Development Code. The property currently is a house of worship with prominent use on Saturday and Sundays. The applicant wishes to also house a day care facility with approximately 30 children on the site. The applicable review criteria and findings are as follows:

SECTION 3.103 – CONDITIONAL USE CRITERIA:

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

FINDINGS: The property where the child daycare is located is zoned Residential Single Family (RS). Section 2.102.04 of the Keizer Development Code (KDC) states that a child daycare with greater than 17 children is permitted as a Conditional Use and must comply with the review criteria listed in Sections 3.103.03 of the KDC. Therefore, staff finds this request satisfies this criterion.

2. *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 applicant is proposing to expand the use of the existing house of worship located on the property to include a child daycare facility for up to 30 children. The applicant indicates they plan to start at around 10 children and grow from there over the next year or two to hover around 30 children. The applicant

indicates that the “cap” for the number of children their building could contain based on the square footage and number of bathrooms is approximately 60 children. However, staff does not support allowing 60 children. As a condition of approval, staff is requiring that the number of children be limited to 30 as the applicant proposes. The building will need to comply with the Marion County Building Inspection requirements and the requirements of the State of Oregon Department of Education, Early Learning Division. The Keizer Fire District submitted comments indicating there may be certain fire/life/safety improvements required for the building as a part of the change of occupancy permit requirements to establish the child daycare use. This is advisory at this stage and will be regulated through the building permit review and approval process. The property is approximately 0.38 acres in size and is a rectangular shaped parcel. There are no natural features such as wetlands, floodplains, steep slopes or other natural features on the property that might constrain the development and use of the site. The property is developed currently with a house of worship and currently has a pick up and drop off area and parking lot along Bailey Road NE. Staff finds that the site is suitable for the proposed use, and with the previously mentioned conditions, will satisfy this criterion.

3. *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 proposed additional use of a child daycare within a house of worship will be dependent on the city’s transportation systems, public facilities and services. Bailey Road NE is classified in the Keizer Transportation System Plan as a Local Street. This type of street classification is designed to provide connectivity through neighborhoods and provide access to properties and carry traffic at relatively low speeds. The daycare, potentially serving 30 children, will not result in any adverse effect onto the existing public street system. Staff finds this request can satisfy this criterion.

4. *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 proposed child daycare facility will be located in the existing house of worship building, and therefore will not alter the character of the surrounding neighborhood. Issues that can be considered that might impair surrounding properties include noise, odors, lights, and traffic. There will be no manufacturing occurring on the site so there will be no odors or fumes generated. With the business operating primarily during daylight hours (except for the winter times of the years when days are shorter) will avoid the need for bright lights that might cause glare onto adjacent properties. The daycare will generate traffic mostly as parents are dropping off children before they go to work and then again as they pick up children after work, but these impacts are already present due to the existing use of the property as a house of worship. The use will not need delivery truck traffic so this will not affect the neighborhood. The existing house of worship has been operating for many years in

the neighborhood and though the child daycare use will increase the use of the property, the impact of the house of worship use is already established in the neighborhood. Staff finds this request complies with this criterion.

5. *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 which govern child daycare facilities. However, since the property is designated Low Density Residential it is appropriate to consider these policies for guidance. While the intent of the Low Density Residential is to allow residential uses as the predominate uses, it does recognize that other non-residential uses such as schools, house of worships, parks, and neighborhood shopping facilities may also be appropriate through the conditional use review process. While the Comprehensive Plan does not specifically reference daycare facilities it important to note that many of the city's elementary schools and house of worships are located in RS zones and many of these have before and after school child care programs. These uses essentially are daycare programs and would be acceptable by code and consistent with the comprehensive plan. The proposal for utilizing the existing house of worship building, child daycare can be argued, would be less intrusive to the neighborhood than a neighborhood shopping facility since it would operate during day time hours and similar to the impact that house of worship already has on the neighborhood. Staff finds this proposal is consistent with the goals and policies of the comprehensive plan to provide public facilities to support development. Staff finds this request complies with this criterion.

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 Conditional Use is approved for establishing a child daycare within the existing house of worship building to serve a maximum of 30 children.
 2. The applicant shall comply with the requirements of the Marion County Building Inspection Division and comply with all applicable development standards of the Keizer Development Code and items identified by the Keizer Fire District.
- 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.

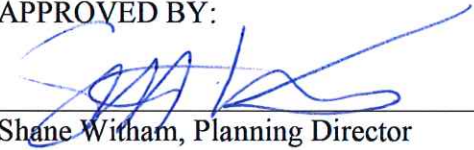
C. TRANSFER OF CONDITIONAL USE

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.

VII. COMMENTS

- A. The City of Keizer Public Works Department and the City of Keizer Police Department both responded that they have reviewed the proposal and have no comments.
- B. The Keizer Fire District provided comments about the change of use process. (Exhibit 3)

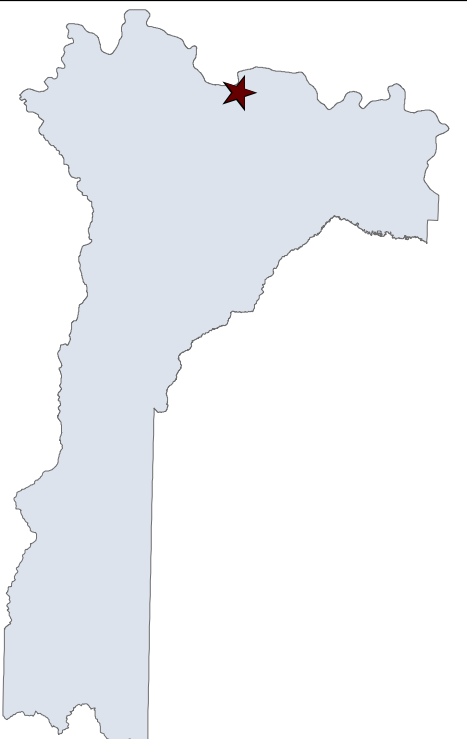
The proposed development meets the purpose and intent of the standards set forth within Section 3.103 of the Keizer Development Code. Therefore, the above request for a Conditional Use Permit for property located at the 4855 Bailey Road NE is approved. If you have any question about this application 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:	
	Date: <u>9/14/23</u>
Shane Witham, Planning Director	

07 3W 02BD

07 3W 02BD

KEIZER



MARION COUNTY, OREGON
SE 1/4 NW 1/4 SEC 2 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES
 - Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Flat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
- CORNER TYPES
 - + 1/16th Section Cor.
 - ⊙ DLC 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

CANCELLED NUMBERS

1600
2101
5700
6800
7400
8400
9000
9102
10400
12000
13200

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 10/16/2020

KEIZER

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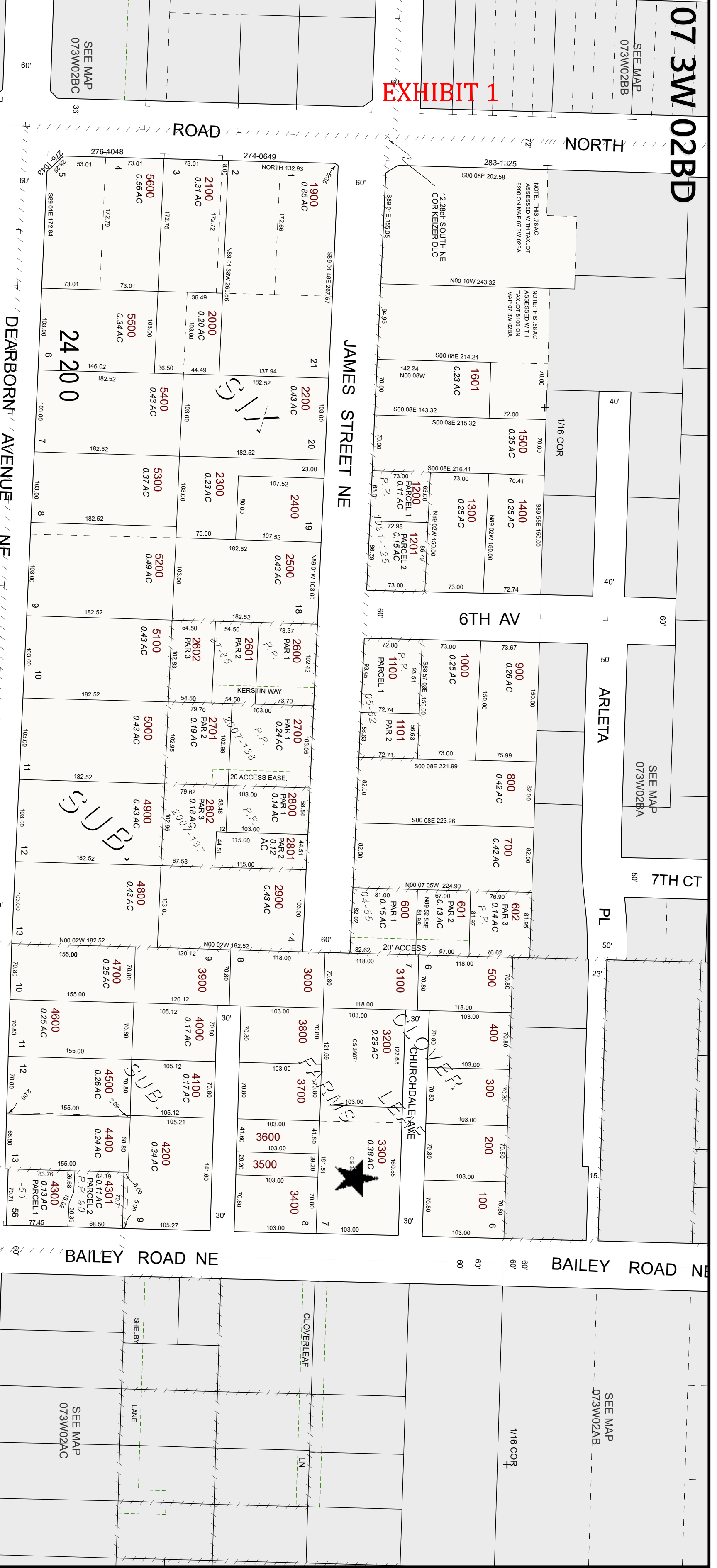


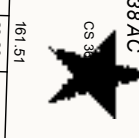
EXHIBIT 1

SIX

SIX

SUB

CHURCH



MAINE AVENUE NE

LINDA AVENUE NE

DEARBORN AVENUE NE

JAMES STREET NE

6TH AV

ARLETA

7TH CT

BAILEY ROAD NE

THORMAN AVENUE NE

CLARK AVENUE

BRANDON ST

07 3W 02BD

07 3W 02BD

EXHIBIT 2



Date: August 31, 2023

Comments for: Conditional Use 2023-11

The applicant would need to file for a change of occupancy to become a daycare (Group E occupancy). This may include the need to improve any existing fire alarm system and/or fire sprinkler system for the entire building.

The proposal mentions adding additional fences to the property, these cannot reduce egress from the building during evacuation or prevent firefighters from access to the building during an emergency.

Additional items may be required once plans for the change of occupancy have been submitted to City of Keizer, Marion County Building Department and the Keizer Fire District.

If you have any questions please contact me,

Anne-Marie Storms, Deputy Fire Marshal
Keizer Fire District
503.390-9111 Office
971.718.4533 Cell
astorms@keizerfire.com