



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
Major Variance Case No. 2017-13**

I. REQUEST

The following report reviews a land use application for a Major Variance to reduce the front setback required for a parking lot area to a street down to zero (0) feet where a minimum of 10 feet is required by the Keizer Development Code.

II. BACKGROUND

- A. APPLICANT/AGENT:** Gene Bolante
- B. PROPERTY OWNER:** Pleasant View Apartments LLC
- C. PROPERTY LOCATION:** The subject property is located in the 3600 block of Pleasant View Dr NE, Keizer, Oregon. The County Tax Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 11AD; Tax Lot # 02804. (See Exhibit 1)
- D. PARCEL SIZE:** The subject property is approximately 35,000 square feet in area.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is currently undeveloped.
- F. ZONING:** The subject property is designated Medium High Density Residential (MHDR) on the Comprehensive Plan Map and is zoned RM (Medium Density Residential).
- G. ADJACENT ZONING AND LAND USES:** The property abuts the Salem Parkway to the southeast. The properties to the west are zoned RM and contain duplex dwellings. Properties to the north are zoned RS and contain single family dwellings.
- H. PROPOSAL:** The applicant is requesting a Major Variance to reduce the setback required adjacent to a street for a parking lot down to zero (0) feet where a minimum of 10 feet is required. (Exhibit 2)

III. AGENCY COMMENTS

- A.** The Keizer Public Works Department reviewed the proposal and submitted comments in support of the development proposal. (Exhibit 3)
- B.** The Keizer Police Department reviewed the proposal and submitted comments regarding concerns over parking. (Exhibit 4)
- C.** The Salem Keizer School District submitted comments regarding student enrollment impacts. (Exhibit 5)

IV. DECISION AND APPEALS

Notice is hereby given that the Community Development Director for the City of Keizer has **APPROVED** the Major Variance subject to conditions and requirements. Findings in support of this decision are found in Section V. 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 and be heard at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee may be refunded if the appeal is upheld. Requests for appeal to the Hearings Officer must be in writing, on a form provided by the City, and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on July 10, 2017.

Unless the decision is appealed this decision becomes final on July 11, 2017.

V. FINDINGS AND CONCLUSIONS

- A. The applicant is proposing to reduce the setback required to a street for a parking lot to zero (0) feet where a minimum of 10 feet is required. Therefore, variance approval is required as this proposal does not comply with requirements of the Keizer Development Code.
- B. The decision criteria for a Major Variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:

1. *The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.*

FINDINGS: The subject property is zoned RM and is intended to be developed with multi-family dwellings. The applicant is proposing this variance as a result of the needed number of parking spaces to serve the proposed development coupled with the requirements for a fire department turnaround. The parking lot has been designed in order to accommodate the required turnaround area, provide adequate parking, and to provide as much open space as possible, with limited encroachment into the required 10 foot setback. The Keizer Police Department submitted comments expressing concerns about required parking and staff feels that by providing some additional spaces, these concerns can be somewhat alleviated. As a condition of variance approval, the applicant will be limited to variance approval only for that which is proposed. In this case, three of the parking spaces encroach into the required setback. At the time of development, the applicant's proposal shall substantially conform to what has been submitted with this application. With this condition, staff finds this request satisfies this criterion.

2. *The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.*

FINDINGS: The applicant argues the burden placed by complying with the development code would be on future tenants and existing neighbors. Arguably, the

applicant could move forward, developing the property without the requested variance by simply eliminating the 3 parking spaces which encroach into the setback area. While this would satisfy the development code, it would not address the concerns expressed by the Keizer Police Department and the applicant to provide adequate parking on-site. Without adequate on-site parking being provided, it is feared that tenants and/or guests to the proposed development would park illegally in the access easement or elsewhere in the neighborhood, potentially causing adverse impacts for fire, life, and safety response, as well as negatively impacting the existing neighborhood. Overall, the variance request itself will not impact any adjacent property owners and due to the distance from the built environment of the parkway, no impact to the parkway users will be felt. Therefore, staff finds the burden of this particular development code provision is substantially greater than any potential adverse impact. Therefore, this request satisfies this criterion.

3. *The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.*

FINDINGS: The applicant points out in their written statement that granting the variance will actually be beneficial to the surrounding neighborhood by containing more of the vehicular impact on-site. Staff agrees with this assessment and feels that due to the overall distance between the subject property and improvements along the parkway, this request will not be detrimental to the neighborhood. It should be noted that at the time of development, all requirements regarding no parking/fire lanes shall be adhered to and appropriate signage installed. This will be ensured through the building permit review process, which guarantees the development will comply with all remaining provisions of the Keizer Development Code. Staff finds this request satisfies this criterion.

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

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

5. *The variance will not significantly affect the health or safety of persons working or residing in the vicinity.*

FINDINGS: The requested variance will not affect the health or safety of persons in the vicinity. The variance request is not adjacent to another property owner, but rather to the Salem Parkway. No vehicular access is allowed to the parkway and the existing pathway is located approximately 28 feet from the subject property. The variance is being requested to allow for the installation of an adequately sized fire turnaround and maneuvering area which will ensure fire, life, and safety needs will be met.

6. *The variance will be consistent with the intent and purpose of the provision being varied.*

FINDINGS: The intent and purpose of setback requirements is to provide adequate separation between properties. This results in aesthetic benefits of landscaping and providing adequate open space for protection against adjacent uses. In this situation, the setback being varied is for the distance between a parking lot area and an adjacent street (Salem Parkway). The Salem Parkway, though technically considered a street, does not function as a normal street since it does not provides access to the subject property. There is a large open space area between the subject property line and edge of improvements provided along the parkway. There is also a multi-use walkway located between the vehicular drive area and edge of parkway right of way. Therefore, the built environment will not be adversely affected by this request, and the reduction in setback will go virtually unnoticed. The applicant has indicated a willingness to provide fencing to screen the parking area from the adjacent right of way and a willingness to increase landscaping density as a condition of variance approval. Staff finds with these conditions, this request satisfies this criterion.

- C. The proposed Minor Variance conforms to Section 3.105 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and recommends approval of the proposal subject to conditions outlined below:

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 land use approval:
1. Unless otherwise specifically modified by this decision, development of the property shall comply with all requirements of the Keizer Development Code and all building code requirements must be met.
 2. The applicant shall be limited to variance approval for only what is indicated on the submitted site plan. All other applicable development requirements will be regulated through the building permit review and approval process.
 3. Building permits must be obtained within one year of the final date of this decision. This approval is only valid when building permit approval is received by July 11, 2018.
 4. Signs indicated “No Parking/Fire Lane” must be provided as required by the Keizer Fire District. This will be regulated through the building permit approval process.

5. A landscaping plan shall be submitted to the Community Development Director for review and approval to provide additional landscaping density along the perimeter of the development. This will be regulated through the building permit process.

B. 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 all conditions of approval.

C. 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.

If you have any question about this application or the decision please call (503)856-3441 or visit the Community Development Department at 930 Chemawa Rd NE, Keizer, Oregon.

REPORT PREPARED BY: Shane Witham, Senior Planner

APPROVED BY:



Date: June 29, 2017

Nate Brown, Community Development Director

SEE MAP
073W11AB

KEIZER



MARION COUNTY, OREGON
SE1/4 NE1/4 SEC11 T7S 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

SYMBOL TYPES

- Survey Monument
- Road Station
- DLC Corner
- 1/16TH section Cor.
- 1/4 Section Cor.
- Section Corner

NUMBERS

Tax Code Number
000 00 000 0

Acreage All acres listed are Net Acres, excluding any 0.25 AC portions of the taxlot within public ROWs

NOTES
Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

100	
101	
700	
1100A1	
1700	
1701	
1800	
1900	
2100	
2400	
2500	
2800	
5000	
5900	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 6/8/2017

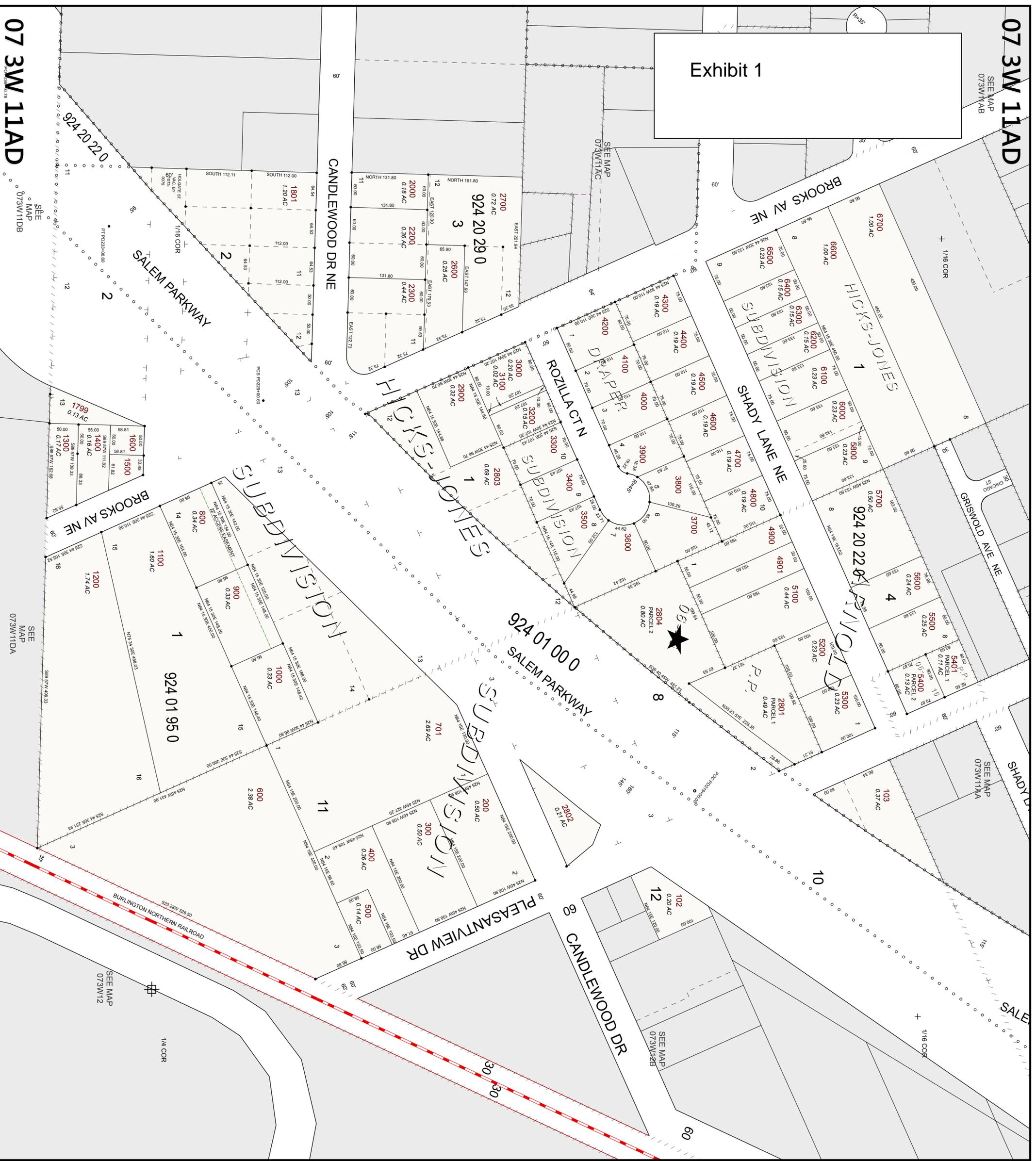
KEIZER

SEE MAP
073W11DA

SEE MAP
073W12

SEE MAP
073W11AA

SEE MAP
073W11DB



TO: SHANE WITHAM, SENIOR PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: MAJOR VARIANCE CASE NO. 2017-13

APPLICANT – GENE BOLANTE
ADDRESS – 3600 BLOCK OF PLEASANT VIEW DR. NE.

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The application is for a major variance approval to reduce the required front yard setback to zero feet. Proposed construction on the subject property will be 17 dwelling units with adequate parking and turnaround capability for emergency and other services. This is a challenging site and the Public Works Department believes the proposal is adequate to meet the intent of the Development Code.

STREET AND DRAINAGE IMPROVEMENTS:

The Public Works Department has checked the sight distance in the field where the new protrusion into the setback area is proposed. There is no apparent conflict with the required sight distance at this intersection and the Public Works Department supports the request for the major variance.

It will be the responsibility of the developer of the subject property to do a property title search to check for any easements that may affect the development of the property prior to submission of any development plans.

If the request is granted, the Public Works Department will offer comments and requirements when development plans are submitted for review.



KEIZER POLICE DEPARTMENT

MEMORANDUM

To: Dina Russell – Assistant Planner
From: Jeffrey K. Kuhns – Deputy Chief JKK
Date: June 14, 2017
Subject: Major Variance Case No. 2017-13 (3600 block of Pleasant View Dr. NE)

I have reviewed the proposed major variance and have no objections to the request that the applicant be allowed to reduce the required front yard setback from 10 feet down to 0 feet to allow additional parking at the proposed multifamily development; however I do have questions and concerns about the access driveway leading from Pleasant View Drive NE into the parking lot of the development and with regard to spillover parking that could have a negative impact on the surrounding neighborhood and residents.

The police department favors development plans and any steps that can be taken to mitigate any significant disruption to the neighbors who reside on Pleasant View Drive NE or Shady Lane NE. While the proposed variance is a step to mitigate spillover parking onto the surrounding streets, I still have concerns the proposed 31 parking spaces will not be adequate to contain all the necessary parking within the development because the prospective tenants are those who will own multiple vehicles per household.

In addition to spillover parking concerns that may have a negative impact on the surrounding neighborhood, the police department fears individuals who are unable to find adequate parking within the multifamily development will simply park their vehicles on the long access driveway leading into the development from Pleasant View Drive NE. The parking of any vehicles on this driveway could create hazards that will increase response times and access for police, fire and paramedics who may need to respond to the housing development.

The City should require the developer to take steps to attempt to prevent residents or visitors to the complex from parking on the long access driveway by posting no parking signs or taking other measures such as designating and painting it as a fire lane.

c: Chief John Teague
Lt. Andrew Copeland
Sgt. Trevor Wenning



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301-5316
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

June 13, 2017

Dina Russell, Assistant Planner
Keizer Community Development Department
PO Box 21000
Keizer OR 97307-1000

RE: Land Use Activity
Keizer Major Variance Case No. 2017-13, 3600 Block of Pleasant View Dr. NE

SUMMARY OF COMMENTS

School Assignment: Weddle Elementary School, Claggett Creek Middle School, McNary High School
School Capacity: Sufficient school capacity currently exists to serve the proposed development at Claggett Creek Middle School and does not currently exist at Weddle Elementary School and McNary High School

School Transportation Services: Students residing at the subject property location will be eligible for school transportation services to McNary High School, but will be within the walk zone of Weddle Elementary School and Claggett Creek Middle School.

Please find below information and comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Weddle Elementary School
2. Estimated change in student enrollment due to proposed development: 3
3. Current school capacity: 427
4. Estimate of school enrollment including new development: 448
5. Ratio of estimated school enrollment to total capacity including new development: 105%.
6. Walk Zone Review: Within walk zone of Elementary School.
7. Estimate of additional students due to previous 2016 land use applications: 1
8. Estimate of additional students due to previous 2017 land use applications: 1
9. Estimated cumulative impact of 2016-2017 land use actions on school capacity: 105% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Claggett Creek Middle School
2. Estimated change in student enrollment due to proposed development: 1
3. Current school capacity: 1,040
4. Estimate of school enrollment including new development: 955
5. Ratio of estimated school enrollment to total capacity including new development: 92%
6. Walk Zone Review: Within walk zone of Middle School.
7. Estimate of additional students due to previous 2016 land use applications: 1

8. Estimate of additional students due to previous 2017 land use applications: 1
9. Estimated cumulative impact of 2016-2017 land use actions on school capacity: 92% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: McNary High School
2. Estimated change in student enrollment due to proposed development: 1
3. Current school capacity: 1,964
4. Estimate of school enrollment including new development: 2,052
5. Ratio of estimated school enrollment to total capacity including new development: 105%
6. Walk Zone Review: Eligible for transportation to High School.
7. Estimate of additional students due to previous 2016 land use applications: 5
8. Estimate of additional students due to previous 2017 land use applications: 2
9. Estimated cumulative impact of 2016-2017 land use actions on school capacity: 105% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

1. Total estimated change in student enrollment: 5
2. Total estimated student enrollment over capacity: 4
3. Total estimated capital costs for new schools for new school capacity: \$198,882

Developer should provide paved walk route(s) to allow pedestrian and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Keizer where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

ASSUMPTIONS:

1. When land use request is granted, 17 additional residences will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Long-term Facilities Plan for years 2008-2015.
3. In our region, the median costs for new schools are \$50,831 per student for elementary schools, \$54,625 per student for middle schools and \$46,389 per student for high schools.¹

Sincerely,



David Fridenmaker, Manager
Facilities and Planning Dept.
Planning and Property Services

c: Mike Wolfe, Chief Operations Office
David Hughes, Manager – Custodial, Property and Auxiliary Services
William White, Manager – Risk Management
Michael Shields, Director of Transportation

¹ Paul Abramson, 20th Annual School Construction Report, *School Planning & Management*, Feb. 2015