

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Tuesday, September 8, 2015
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **SPECIAL ORDERS OF BUSINESS**
 - a. **PROCLAMATION** – Constitution Week
5. **COMMITTEE REPORTS**
 - a. Volunteer Coordinating Committee Recommendation for Appointments to Keizer Budget Committee
6. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.
7. **PUBLIC HEARINGS**
 - a. **ORDINANCE** – To Vacate a Portion of Manbrin Drive NE, Keizer, Oregon (MMAK, LLC)
8. **ADMINISTRATIVE ACTION**
 - a. **ORDINANCE** – Amending Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process; Declaring an Emergency; Amendment of Ordinance No. 2014-702
ORDINANCE – Amending Ordinance Establishing a Tax on the Sale of Marijuana, Medical Marijuana, and Marijuana-Infused Products in the City of Keizer; Declaring an Emergency; Amendment of Ordinance No. 2014-706
 - b. **ORDINANCE** – Providing for Keizer Public Art and Public Murals; Repeal of Ordinance No. 2014-710
RESOLUTION – Adopting Public Art and Public Murals Policies
 - c. **ORDINANCE** - Amending Keizer Development Code Regarding Section 1.200 (Definitions), Section 2.102 (Single Family Residential), Section 2.103 (Limited Density Residential), Section 2.104 (Medium Density Residential), Section 2.107 (Mixed Use), Section 2.118 (Urban Transition), Section 2.129 (Chemawa Interchange Overlay Zone), Section 2.302 (Street Standards), Section 2.303 (Off-Street Parking And Loading), Section 2.310 (Development Standards For Land Divisions), Section 2.311 (Planned Unit Development Design Standards), Section 2.314 (Standards For Single Family Dwellings), Section 2.315 (Development Standards), Section 2.316 (Infill Development Standards), And Section 3.106 (Lot Line Adjustment); Amending Ordinance No. 98-389

- d. ORDINANCE – Relating to Abandoned Shopping Carts
- e. RESOLUTION – Amending Administrative Services Fees; Amending R2014-2453
RESOLUTION – Amending the Application Fee for Apportionment of Local Improvement Assessments; Amending R2012-2253
RESOLUTION – Amending Demolition Permit Fees; Amending R2010-2085
RESOLUTION – Amending Keizer Park Use Fees; Amending R2012-2229.1
RESOLUTION – Amending Plan Check and Construction Permit Fees; Amending R2006-1697
RESOLUTION – Amending the Application Fee for Public Improvement Reimbursement Districts; Amending R2015-2577
RESOLUTION – Amending the Transportation System Development Charge Improvement Fee Structure; Amending R2014-2484
RESOLUTION – Amending Water Service Connection Fees and Related Service Fees; Amending R2006-1724
- f. RESOLUTION – Authorizing Temporary Use and Signage for Public Mural at Town and Country Lanes

9. CONSENT CALENDAR

- a. Approval of August 3, 2015 Regular Session Minutes
- b. Approval of August 10, 2015 Work Session Minutes
- c. Approval of August 17, 2015 Regular Session Minutes

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

September 14, 2015

5:45 p.m. – City Council Work Session

- Annual Keizer Parks Tour (Convene at Keizer Rapids Park)

September 21, 2015

7:00 p.m. – City Council Regular Session

October 5, 2015

7:00 p.m. – City Council Regular Session

14. ADJOURNMENT

Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.



July 31, 2015

The Honorable Cathy Clark
City of Keizer
PO Box 21000
Keizer, OR 97307

Dear Mayor Clark:

It's been several months since I last wrote and Comcast has had an eventful year so far! We've been busy with community investments and product enhancements and I'd like to take a moment to fill you in on some of those activities and improvements.

First, Comcast recently announced that it will open three additional customer support centers—including one in Spokane, WA—and create 5,500 additional customer service jobs, renewing our commitment to improve the customer experience on all fronts. Additionally, Comcast NBCUniversal announced that the company is committed to hiring 10,000 reservists, veterans and their spouses or domestic partners over the next three years. That's in addition to the approximately 4,200 reservists and veterans that we've hired since 2012, which far outpaces our goal of hiring 2,000 veterans by 2015 as part of our partnership with the U.S. Chamber of Commerce Foundation's Hiring Our Heroes initiative.

Closer to home, we celebrated our 14th annual Cares Day event on April 25th, during which we had over 2,100 volunteers in Oregon/SW Washington out working to enhance, clean, and give back to various schools, parks, and non-profit organizations throughout our region. Later in the spring, Comcast held its annual Leaders & Achievers Recognition Celebration, with the keynote address delivered by Oregon Attorney General Ellen Rosenblum. In the ceremony, we presented 68 local high school students with scholarships totaling \$80,000. In addition, we've provided nearly \$2 million in cash and in-kind support to communities in our region so far this year.

We're particularly excited about some technological enhancements that we've launched, as well as some that are yet to come. For instance, a voice-activated remote control is now available to our X1 customers. Another addition to the X1 product is our new Cloud DVR, which allows for more recording storage and a whole-home DVR experience. On the internet side of our business, we are continuously deploying more and more WiFi hotspots—locally and throughout our national footprint—enabling customers to stay connected to all of their services wherever they are. Comcast is especially pleased to announce the impending arrival of Gigabit Pro, an internet option of 2GB symmetrical speeds. We're testing this product in some markets around the country and expect to offer it locally by the end of the year!

If you would like to experience these products, we invite you to stop by any of our local Xfinity Stores at your convenience and try them out!

As always, feel free to call me at 503-605-6357 (desk) or 503-319-9304 (mobile), or send email to Tim_Goodman@cable.comcast.com.

I look forward to hearing from you!

Sincerely,

Tim Goodman
Director, Government Affairs



Straub Environmental Center

Change begins with awareness

August 20, 2015

Mayor Cathy Clark
City of Keizer
PO Box 21000
Keizer, OR 97307

Board Members

Rick Bastasch
Zohra Campbell
Abisha Dunivin
Kristen Duus
Jim Green
Gail McEwen
Chad Naugle
Alan Pennington
Liz Redon
Kristi Reed
David Smedema
Deborah Topp
Rachel Wray
Jon Yoder

Advisory Board Members

Karen Arabas
Joe Bowersox
Nathan Good
David Noland
Vicki Nishioka
John Savage

Dear Mayor Clark,

It is our pleasure to invite you to a special event in Riverfront Park on Sunday, September 20th: the local premiere of a new film, UPRIVER.

UPRIVER celebrates the work being done by people from all walks of life to restore the health of the Willamette River. The film is beautiful and moving, and sure to inspire more appreciation—and environmental commitment—regarding the Willamette. It also reinforces the idea of a Willamette Community and River Citizenship—how all of us in this watershed, upstream to downstream are responsible for river health.

The film will be shown at dusk, but that afternoon (starting at 4 pm), we'll have an environmental information fair featuring local groups, river-related activities, and a little music. The event is being organized locally by the Straub Environmental Center, the City of Salem's Clean Streams-Clear Choices program, and the Glenn Gibson Watershed Council.

As you're undoubtedly aware, the mid-Valley is enriched by the work of watershed councils, SWCDs, environmental non-profits, and the multitude of citizen volunteers they call upon. Many of these organizations will be part of the event's environmental fair, sharing information with our community regarding opportunities to pitch-in to continue the River's recovery.

Because Keizer is a great riverside town busily reclaiming its river connections through such exciting efforts as the development of Keizer Rapids Park, as well as an enviable collection of other parks on the river and its creeks, we thought no local celebration of the Willamette would be complete without involving your City.

That's why we're so excited to bring this film and an afternoon of river information to the community—and with an unparalleled venue in Riverfront Park. We hope you might be able to attend—not only to take-in the film, but also to visit with what we hope will be an upbeat crowd enjoying the last Sunday afternoon of summer. Of course, we'd be honored if you'd be willing to offer a few remarks during our brief welcoming ceremony right before the film.

We'd look forward to briefing you and any interested staff, if our event sounds like something that might merit your attendance. Thanks so much for your consideration. Please feel free to contact me at the number below.

Sincerely,

Rick Bastasch, President
Straub Environmental Center Board of Directors
503.370.8776

City of Keizer, Oregon

Proclamation

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law, and

WHEREAS, September 17, 2015 marks the two hundred twenty-eighth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, CATHY CLARK, by the virtue of the authority vested in me as Mayor of the City of Keizer in the State of Oregon, do hereby proclaim the week of September 17th through 23rd as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to affixed this 8th day of September, 2015

MAYOR CATHY CLARK
City of Keizer, Oregon

CITY COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

SUBJECT: BUDGET COMMITTEE APPOINTMENTS

ISSUE:

Two positions on the Budget Committee are open. A media release was published and applications were received from Nelson Sossamam and Jonathan Thompson.

The Volunteer Coordinating Committee has reviewed the applications, heard testimony from the candidates and recommends Nelson Sossamam for position #6 and Jonathan Thompson for position #7 on the Budget Committee each to serve a three-year term.

RECOMMENDATION:

It is recommended the City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Nelson Sossamam for position #6 and Jonathan Thompson for position #7 on the Budget Committee.

CITY COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *VACATION OF PORTION OF MANBRIN DRIVE NE
(NORTHERLY RIGHT-OF-WAY NEAR THE INTERSECTION
WITH CHERRY AVE NE, KEIZER, OR – DIRECTLY
ADJACENT TO MAP TAX LOT 073W02CD02103)***

MMAK, LLC submitted a Petition to Vacate under the guidelines of ORS 271.080 with the City Recorder on July 24, 2015. A copy of the Petition to Vacate (and attachments) are attached for your reference. This Petition is set for public hearing tonight.

The Petition to Vacate is requesting vacation of a portion of the northerly right-of-way of Manbrin Drive NE, Keizer, Oregon near the intersection with Cherry Avenue NE, Keizer, Oregon, specifically approximately 2,021 square feet of Manbrin Drive directly adjacent to Map Tax Lot 073W02CD02103. The proposed vacation property will be used for landscaping and installation of a sign. The proposed vacation property is not necessary for access.

As part of the Petition to Vacate, the Petitioner provided consents. Pursuant to ORS 271.080(2), the Petitioner is required to provide consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. I have confirmed that the real property affected by this Petition is comprised of 16.58 acres, of which the abutting property owners have given consent. I have also confirmed that two-thirds of the real property affected by this Petition equates to 11.06 acres and that at least the required consents have been submitted with the Petition.

Notice of the Public Hearing has been published in the August 21, 2015 and August 28, 2015 editions of the Keizertimes. Notice of the Street Vacation was posted at or near each end of the proposed vacation. These notices were posted on August 25, 2015. Both the posting and first date of publication was at least 14 days before this hearing in accordance with ORS 271.110.

Pursuant to ORS 271.120, Council shall hear the petition and objections, shall determine whether the consent of the owners of the requisite area has been obtained, shall determine

whether notice has been duly given, and shall determine if the public interest will be prejudiced by the vacation of such street or parts thereof. If these matters are determined in favor of the Petition, then the Council should adopt the attached Ordinance.

RECOMMENDATION:

Open and conduct the public hearing. If there are no remaining questions, close the public hearing and adopt the attached Ordinance.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh
attachment

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A portion of Manbrin Drive NE

MMAK, LLC

4300 Cherry Ave. NE
Keizer, OR 97303

A portion of the northerly right-of-way of Manbrin Drive NE near the intersection with Cherry Ave. NE

See Exhibit 'A' (attached)

Section 1 It is proposed that property to be vacated is to be used as follows:

The proposed property to be vacated will be used for landscaping

1 and an area to install a company sign, in conformance with City code.

2
3 **Section 2:** The reason for the requested vacation is:
4 This vacation is requested to allow for installation of a sign for our business.

5
6
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9 **Section 3:** The names and addresses of all persons owning any real property
10 **abutting** either side of the street proposed to be vacated:
11 See Appendix A and Exhibit B (property owner consent forms).

12
13
14
15 (Attach abutting property owners consent forms to petition as exhibit)

16
17 **Section 4:** The names and addresses of all persons owning property in the area
18 of real property affected by the proposed vacation: (ORS 271080(2) states.. land
19 lying on either side of the street or portion thereof proposed to be vacated and
20 extending laterally to the next street that serves as a parallel street, but in any case
21 not to exceed 200 feet, and the land for a like lateral distance on either side of the
22 street for 400 feet along its course beyond each terminus of the part proposed to
23 be vacated.)

24 See Appendix B and Exhibit B

1 _____
2 _____
3 _____
4 _____
5 _____
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7 _____
8 _____
9 _____
10 _____

11 (Attach affected property owners consent forms to petition as exhibit)

12

13 **Section 5** No portion of the proposed vacation is situated outside the city limits
14 of Keizer.

15 NOW, PETITIONERS request a hearing before the City Council on this
16 matter.

17 DATED this 19th day of June, 2015.

18

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21

22

 MEMBER

PETITIONERS SIGNATURES

23

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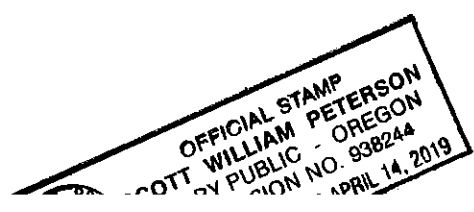
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STATE OF OREGON)
County of Marion)

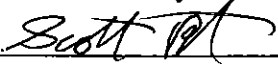
On this 19th day of June, 2015, before
me appeared personally the above named
J. Michael Poissant, Member
_____ known to me to





1 be the individuals listed as petitioners above and executed the above petition freely
2 and voluntarily.

3 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal.

4 

5 Notary Public for Oregon

6 My commission expires April 14, 2019

7

8

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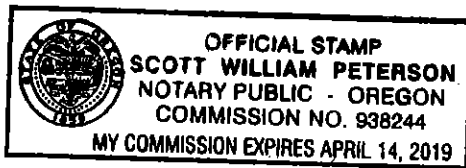
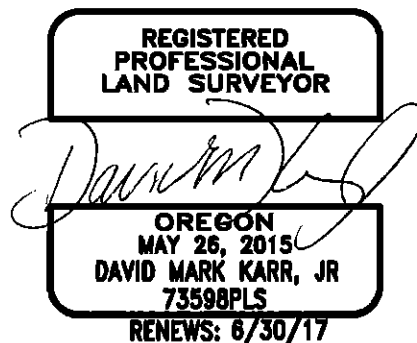


EXHIBIT 'A'

A portion of Manbrin Drive located in the Southwest One-Quarter of Section 2, Township 7 South, Range 3 West of the Willamette Meridian, City of Keizer, Marion County, Oregon, and more particularly described as follows:

Beginning at the southeast corner of Parcel 3 of Partition Plat 95-9, being a point on the north right-of-way line of Manbrin Drive (60.00 feet from centerline); thence leaving said right-of-way line, South $12^{\circ} 53' 00''$ East 9.98 feet to a point; thence along a curve to the left, being non-tangent to the last described course having a radius of 1106.75 feet, a delta of $03^{\circ} 56' 46''$, a length of 76.22 feet, and a chord of South $64^{\circ} 02' 31''$ West 76.21 feet to a point; thence North $61^{\circ} 51' 39''$ West 26.01 feet to a point on a southerly prolongation of the east right-of-way line of Cherry Avenue (variable width); thence North $17^{\circ} 56' 28''$ West 13.23 feet to the southwest corner of said Parcel 3; thence along the southerly line of said Parcel 3 North $74^{\circ} 24' 39''$ East 58.57 feet to a point; thence following said southerly line of Parcel 3 South $85^{\circ} 01' 05''$ East 21.36 feet to a point; thence along the southerly line of said Parcel 3 North $74^{\circ} 25' 29''$ East 16.21 feet along said southerly line to the Point of Beginning.

The above described tract of land contains 2,021 square feet, more or less.

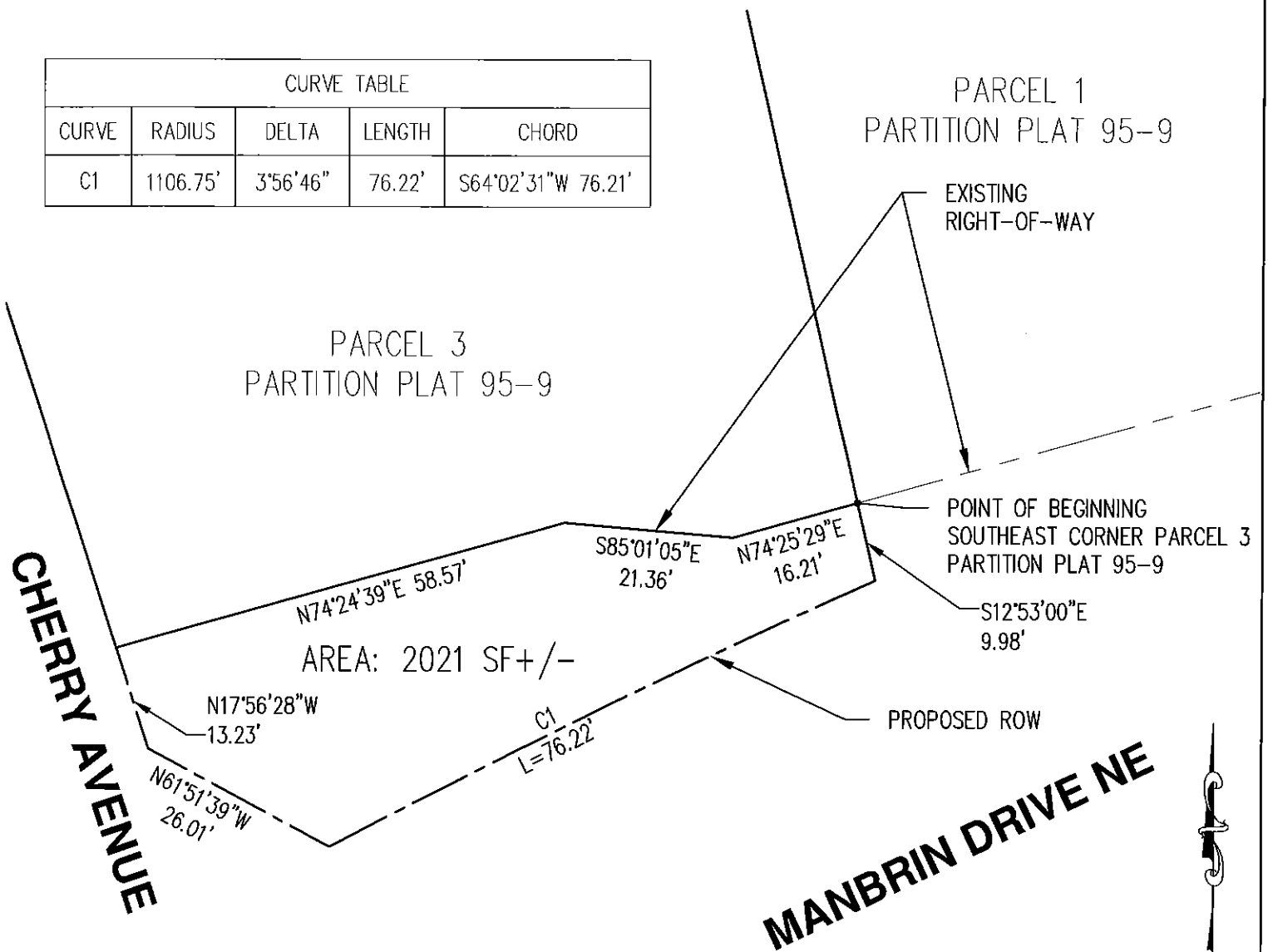


July 24, 2015

EXHIBIT 'B'

MAP OF RIGHT-OF-WAY VACATION BEING A PORTION OF MANBRIN DRIVE IN THE
SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 3 WEST,
WILLAMETTE MARIDIAN, CITY OF KEIZER, MARION COUNTY, OREGON.

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1106.75'	3°56'46"	76.22'	S64°02'31"W 76.21'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

David M. Karr, Jr.

OREGON
MAY 26, 2015
DAVID MARK KARR, JR
73598PLS
RENEWES: 6/30/17

SCALE 1" = 20 FEET



DATE: 07/24/2015

4300 CHERRY AVENUE

AKS ENGINEERING & FORESTRY SALEM-KEIZER, LLC
4300 CHERRY AVE NE
KEIZER, OR 97303
PHONE: 503.400.6028

www.aks-eng.com
FAX: 503.400.7722

AKS

DRWN: DMK
CHKD: DMK
AKS JOB:
4387

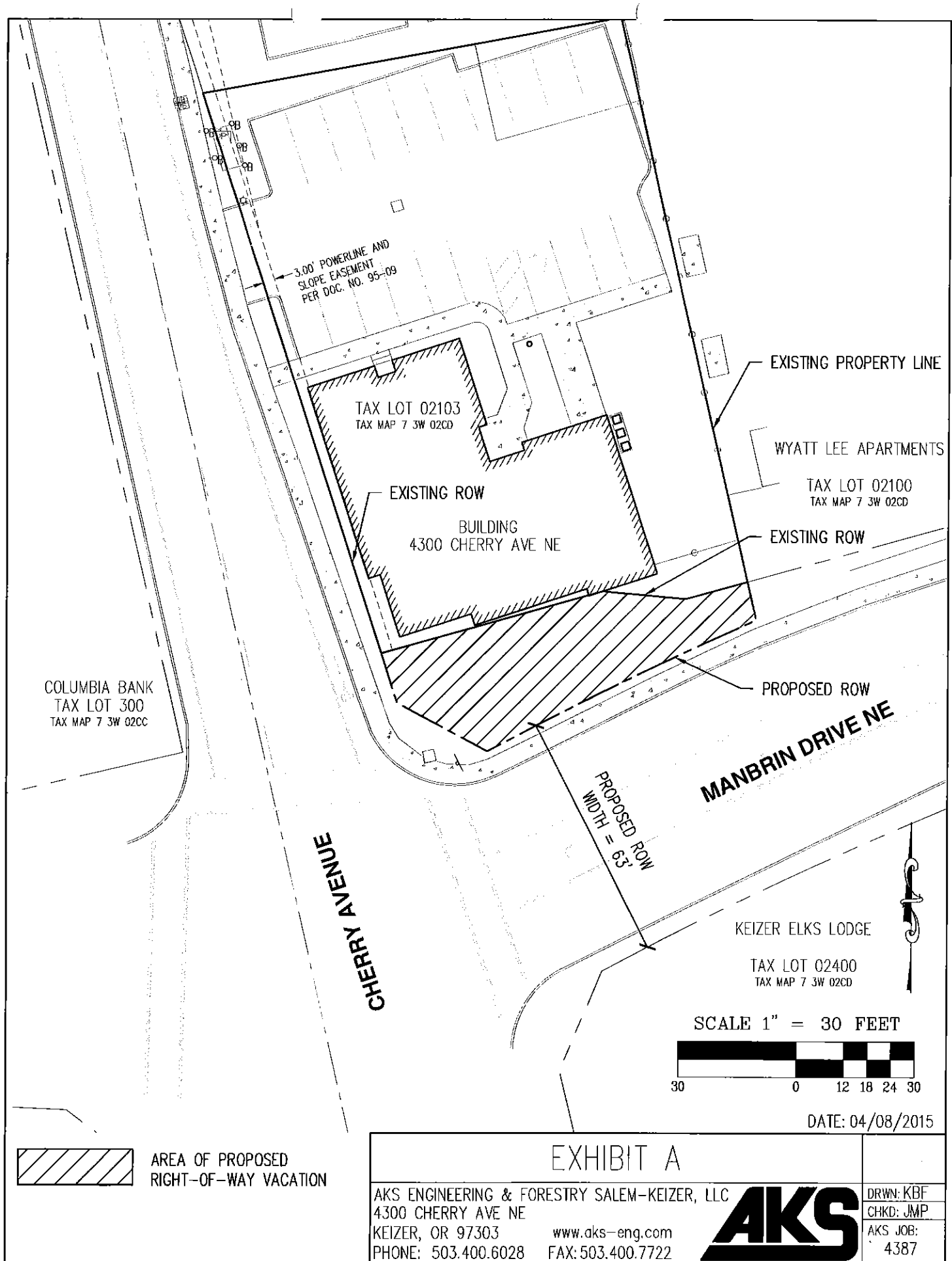


EXHIBIT B

PROPERTY OWNER CONSENT FORMS

APPENDIX 'A'

Marion County Assessor's Property Records Property Search

3 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P113906	WIP ENGINEERING INC PO BOX 21118 KEIZER, OR 97303	073W02CD02103	4300 CHERRY AV NE KEIZER, OR 97303	
P346815	BRANCH ENGINEERING INC 310 5TH ST SPRINGFIELD, OR 97477	073W02CD02103	4310 CHERRY AV NE KEIZER, OR 97303	
R25060	MMAK LLC 12965 SW HERMAN RD #100 TUALATIN, OR 97062	073W02CD02103	4300-4310 CHERRY AV NE KEIZER, OR 97303	P.P. 1995-009, PARCEL 3, ACRES 0.32

This page has been modified to protect customer information.

Marion County Assessor's Property Records Property Search

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25049	KEIZER ELKS LODGE #2472 4250 CHERRY AV NE SALEM, OR 97303	073W02CD02500	4250 CHERRY AV NE KEIZER, OR 97303	ACRES 3.05

This page has been modified to protect customer information.

Marion County Assessor's Property Records Property Search

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25050	KEIZER ELKS LODGE #2472 4250 CHERRY AV NE SALEM, OR 97303	073W02CD02400	4250 CHERRY AV NE KEIZER, OR 97303	ACRES 3.07

This page has been modified to protect customer information.

APPENDIX 'B'

1 **CONSENT FORM FOR OWNERS OF REAL PROPERTY**
2 **AFFECTED BY PROPOSED STREET VACATION**
3

4 A. The area of the proposed street vacation involved in this matter is
5 located on:
6 Tax Map # 7 3W 02CD, Tax Lot 2103 at the NE corner of the Manbrin Dr.
7 and Cherry Ave. intersection as shown on Exhibit 'A'

8 B. I/ We, KEIZER ELK LODGE 2472 am/
9 are the record titled owner(s) of real property which abuts the proposed street
10 vacation or is located within the affected area of the proposed street vacation
11 as defined by ORS271.080(2).

12 C. My/ Our property is located at:
13 4250 Cherry Ave NE Keizer, OR 97303 and is
14 legally described as (list lot and block, subdivision or tax account number):

15 _____
16 Township 7S, Range 3W, Map # 7 3W 02CD, Tax Lot 2400 & 2500
17 _____

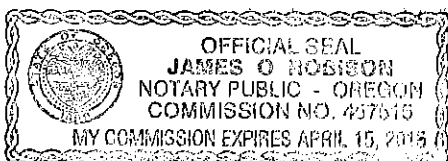
18
19 D. I/ We freely and voluntarily consent to the proposed street vacation as
20 described in paragraph A. Cynthia J. Swite

21
22 STATE OF OREGON)
23) ss.
24 County of Marion)
25

26 On this 4TH day of MAY, 20 15
27 personally appeared the above named persons known to me to be the
28 identical individuals described above and who executed the within instrument
29 and acknowledged to be that they executed the same freely and voluntarily.

30
31 James O. Robison
32 Notary Public for Oregon

33 My commission expires: 4-15-16



1 **CONSENT FORM FOR OWNERS OF REAL PROPERTY**
2 **AFFECTED BY PROPOSED STREET VACATION**
3

4 A. The area of the proposed street vacation involved in this matter is
5 located on:
6 Tax Map # 7 3W 02CD, Tax Lot 2103 at the NE corner of the Manbrin Dr.
7 and Cherry Ave. intersection as shown on Exhibit 'A'

8 B. I/ We, Gary F. Schoonover am/
9 are the record titled owner(s) of real property which abuts the proposed street
10 vacation or is located within the affected area of the proposed street vacation
11 as defined by ORS271.080(2).

12 C. My/ Our property is located at:
13 4320 Cherry Ave NE Keizer, OR 97303 and is
14 legally described as (list lot and block, subdivision or tax account number):

15
16 Township 7S, Range 3W, Map # 7 3W 02CD, Tax Lot 2102
17

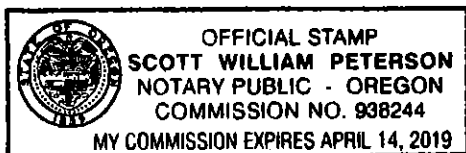
18
19 D. I/ We freely and voluntarily consent to the proposed street vacation as
20 described in paragraph A. [Signature]
21

22 STATE OF OREGON)
23) ss.
24 County of Marion)
25

26 On this 26TH day of May, 20 15
27 personally appeared the above named persons known to me to be the
28 identical individuals described above and who executed the within instrument
29 and acknowledged to be that they executed the same freely and voluntarily.
30

31
32 Scott PT
33 Notary Public for Oregon

My commission expires: April 14, 2019



1 **CONSENT FORM FOR OWNERS OF REAL PROPERTY**
2 **AFFECTED BY PROPOSED STREET VACATION**
3

4 A. The area of the proposed street vacation involved in this matter is
5 located on:
6 Tax Map # 7 3W 02CD, Tax Lot 2103 at the NE corner of the Manbrin Dr.
7 and Cherry Ave. Intersection as shown on Exhibit 'A'

8 B I/ We, Colin Macdonald am/
9 are the record titled owner(s) of real property which abuts the proposed street
10 vacation or is located within the affected area of the proposed street vacation
11 as defined by ORS271.080(2).

12 C. My/ Our property is located at:
13 643 Manbrin Dr. NE Keizer, OR 97303 and is
14 legally described as (list lot and block, subdivision or tax account number):

15 _____
16 Township 7S, Range 3W, Map # 7 3W 02CD, Tax Lot 1900
17 _____
18

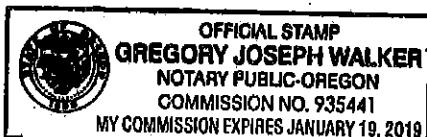
19 D. I/ We freely and voluntarily consent to the proposed street vacation as
20 described in paragraph A. [Signature]
21 _____

22 STATE OF OREGON)
23) ss.
24 County of Marion)
25

26 On this 29th day of June, 20 15
27 personally appeared the above named persons known to me to be the
28 identical individuals described above and who executed the within
29 instrument and acknowledged to be that they executed the same freely and
30 voluntarily.

31 Gregory Walker
32 Notary Public for Oregon

33 My commission expires: 1/19/2019



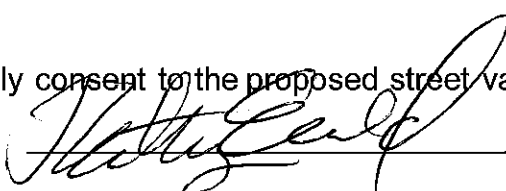
1 **CONSENT FORM FOR OWNERS OF REAL PROPERTY**
2 **AFFECTED BY PROPOSED STREET VACATION**

3
4 A. The area of the proposed street vacation involved in this matter is
5 located on:
6 Tax Map # 7 3W 02CD, Tax Lot 2103 at the NE corner of the Manbrin Dr.
7 and Cherry Ave. Intersection as shown on Exhibit 'A'

8 B. I/ We, Oregon Right to Life am/
9 are the record titled owner(s) of real property which abuts the proposed street
10 vacation or is located within the affected area of the proposed street vacation
11 as defined by ORS271.080(2).

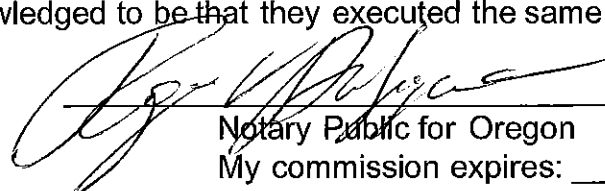
12 C. My/ Our property is located at:
13 4335 River Rd. N. Keizer, OR 97303 and is
14 legally described as (list lot and block, subdivision or tax account number):

15 _____
16 Township 7S, Range 3W, Map # 7 3W 02CC, Tax Lot 400
17 _____

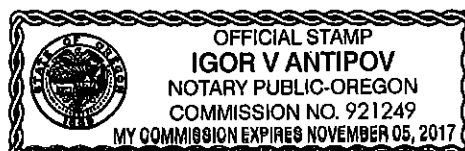
18
19 D. I/ We freely and voluntarily consent to the proposed street vacation as
20 described in paragraph A. 
21 _____

22 STATE OF OREGON)
23) ss.
24 County of Marion)
25

26 On this 27th day of April, 20 15
27 personally appeared the above named persons known to me to be the
28 identical individuals described above and who executed the within
29 instrument and acknowledged to be that they executed the same freely and
30 voluntarily.

31 
32 Notary Public for Oregon

33 My commission expires: 11.5.2017



1 **CONSENT FORM FOR OWNERS OF REAL PROPERTY**
2 **AFFECTED BY PROPOSED STREET VACATION**
3

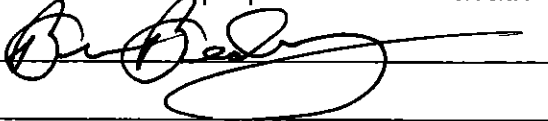
4 A. The area of the proposed street vacation involved in this matter is
5 located on:
6 Tax Map # 7 3W 02CD, Tax Lot 2103 at the NE corner of the Manbrin Dr.
7 and Cherry Ave. Intersection as shown on Exhibit 'A'

8 B. I/ We, Ben Bednarek am/
9 are the record titled owner(s) of real property which abuts the proposed street
10 vacation or is located within the affected area of the proposed street vacation
11 as defined by ORS 271.080(2).

12 C. My/ Our property is located at:
13 4210 River Rd. N. Keizer, OR 97303 and is
14 legally described as(list lot and block, subdivision or tax account number):

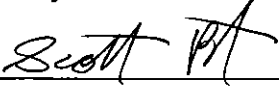
15 _____
16 Township 7S, Range 3W, Map # 7 3W 02CC, Tax Lot 9300
17 _____
18

19 D. I/ We freely and voluntarily consent to the proposed street vacation as
20 described in paragraph A.

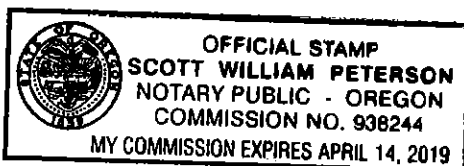
21 

22 STATE OF OREGON)
23) ss.
24 County of Marion)
25

26 On this 1st day of June, 20 15
27 personally appeared the above named persons known to me to be the
28 identical individuals described above and who executed the within
29 instrument and acknowledged to be that they executed the same freely and
30 voluntarily.

31 
32 Notary Public for Oregon

33 My commission expires: April 14 2019



1 **CONSENT FORM FOR OWNERS OF REAL PROPERTY**
2 **AFFECTED BY PROPOSED STREET VACATION**
3

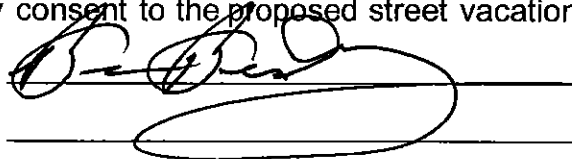
4 A. The area of the proposed street vacation involved in this matter is
5 located on:
6 Tax Map # 7 3W 02CD, Tax Lot 2103 at the NE corner of the Manbrin Dr.
7 and Cherry Ave. Intersection as shown on Exhibit 'A'

8 B. I/ We, Ben Bednarz am/
9 are the record titled owner(s) of real property which abuts the proposed street
10 vacation or is located within the affected area of the proposed street vacation
11 as defined by ORS271.080(2).

12 C. My/ Our property is located at:
13 4225 Cherry Ave. NE Keizer, OR 97303 and is
14 legally described as (list lot and block, subdivision or tax account number):

15
16 Township 7S, Range 3W, Map # 7 3W 02CC, Tax Lot 9400
17
18

19 D. I/ We freely and voluntarily consent to the proposed street vacation as
20 described in paragraph A.

21


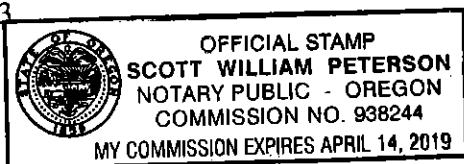
22 STATE OF OREGON)
23) ss.
24 County of Marion)
25

26 On this 1st day of June, 20 15
27 personally appeared the above named persons known to me to be the
28 identical individuals described above and who executed the within
29 instrument and acknowledged to be that they executed the same freely and
30 voluntarily.

31
32 Scott Peterson
33

Notary Public for Oregon

My commission expires: April 14, 2019



[illegible]

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1 **CONSENT FORM FOR OWNERS OF REAL PROPERTY**
2 **AFFECTED BY PROPOSED STREET VACATION**
3

4 A. The area of the proposed street vacation involved in this matter is
5 located on:

6 Tax Map # 7 3W 02CD, Tax Lot 2103 at the NE corner of the Manbrin Dr.
7 and Cherry Ave. Intersection as shown on Exhibit 'A'

8 B. I/ We, _____ am/
9 are the record titled owner(s) of real property which abuts the proposed street
10 vacation or is located within the affected area of the proposed street vacation
11 as defined by ORS 271.080(2).

12 C. My/ Our property is located at:
13 4365 River Rd. N. Keizer, OR 97303 and is
14 legally described as (list lot and block, subdivision or tax account number):

15 _____
16 Township 7S, Range 3W, Map # 7 3W 02CB, Tax Lot 4800
17 _____
18

19 D. I/ We freely and voluntarily consent to the proposed street vacation as
20 described in paragraph A.

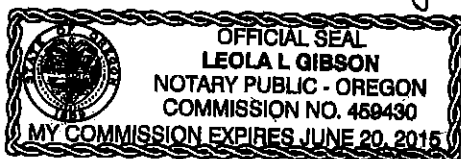
Kevin J. Mueller RVP StoneMar LLC,
KJ Mueller

22 STATE OF Oregon)
23) ss.
24 County of Marion)
25

26 On this 5th day of June, 20 15
27 personally appeared the above named persons known to me to be the
28 identical individuals described above and who executed the within
29 instrument and acknowledged to be that they executed the same freely and
30 voluntarily.

31 Leola L. Gibson
32 Notary Public for Oregon

My commission expires: 6/20/15



**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25049	KEIZER ELKS LODGE #2472 4250 CHERRY AV NE SALEM, OR 97303	073W02CD02500	4250 CHERRY AV NE KEIZER, OR 97303	ACRES 3.05

This page has been modified to protect customer information.

Marion County Assessor's Property Records Property Search

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25050	KEIZER ELKS LODGE #2472 4250 CHERRY AV NE SALEM, OR 97303	073W02CD02400	4250 CHERRY AV NE KEIZER, OR 97303	ACRES 3.07

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25058	ERNEST D FISH INC C/O PIONEER TRUST BANK NA TRE PO BOX 2305 SALEM, OR 97308	073W02CD02100	603-659 MANBRIN DR NE KEIZER, OR 97303	P.P. 1995-009, PARCEL 1 & FR 2, ACRES 1.68

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4387 P

**Marion County Assessor's Property Records
Property Search**

2 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P122443	GARY F SCHOONOVER DMD PC 4320 CHERRY AV NE KEIZER, OR 97303	073W02CD02102	4320 CHERRY AV NE KEIZER, OR 97303	
R25059	SCHOONOVER,GARY F 1324 GWIN WY SE SALEM, OR 97301	073W02CD02102	4320 CHERRY AV NE KEIZER, OR 97303	P.P. 1995-009, PARCEL FR 2, ACRES 0.43

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

3 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P113906	WIP ENGINEERING INC PO BOX 21118 KEIZER, OR 97303	073W02CD02103	4300 CHERRY AV NE KEIZER, OR 97303	
P346815	BRANCH ENGINEERING INC 310 5TH ST SPRINGFIELD, OR 97477	073W02CD02103	4310 CHERRY AV NE KEIZER, OR 97303	
R25060	MMAK LLC 12965 SW HERMAN RD #100 TUALATIN, OR 97062	073W02CD02103	4300-4310 CHERRY AV NE KEIZER, OR 97303	P.P. 1995-009, PARCEL 3, ACRES 0.32

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25061	MMAK LLC 12965 SW HERMAN RD #100 TUALATIN, OR 97062	073W02CD02104		P.P. 1995-009, PARCEL FR 2, ACRES 0.02

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25062	BRIARWOOD MANOR ORE LTD C/O CAMBRIDGE REAL ESTATE SERVICES PO BOX 2968 PORTLAND, OR 97208	073W02CD01900	643 MANBRIN DR NE KEIZER, OR 97303	ACRES 0.494



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**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25063	SARAGOSA APARTMENTS LLC C/O NORRIS & STEVENS INC 621 SW MORRISON ST #800 PORTLAND, OR 97205	073W02CD01800		ACRES 0.37

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25064	SARAGOSA APARTMENTS LLC C/O NORRIS & STEVENS INC 621 SW MORRISON ST #800 PORTLAND, OR 97205	073W02CD01600		ACRES 0.37

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25071	SARAGOSA APARTMENTS LLC C/O NORRIS & STEVENS INC 621 SW MORRISON ST #800 PORTLAND, OR 97205	073W02CD01700	725-765 MANBRIN DR NE KEIZER, OR 97303	ACRES 1.96

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

2 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P120962	KEIZER VISION SOURCE PC 4350 CHERRY AV NE KEIZER, OR 97303	073W02CD02000	4350 CHERRY AV NE, SUITE #A KEIZER, OR 97303	
R25072	GAYNOR,MICHEL A & GAYNOR,ANN C 4350 CHERRY AV NE KEIZER, OR 97303	073W02CD02000	4350 CHERRY AV NE KEIZER, OR 97303	P.P. 1996-094, PARCEL 1, ACRES 0.32

This page has been modified to protect customer information.

Marion County Assessor's Property Records Property Search

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25066	SHIRAZEE LLC 2418 13TH ST SE SALEM, OR 97302	073W02CC00200		ACRES 0.32

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Marion County Assessor's Property Records Property Search



2 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P321054	MID VALLEY GENERAL AGENCY LLC 4305 RIVER RD N KEIZER, OR 97303	073W02CC00500	4305 RIVER RD N KEIZER, OR 97303	
R25067	TOR COMMERCIAL LLC 3790 AUGUSTA NATIONAL DR S SALEM, OR 97302	073W02CC00500	4305 RIVER RD N KEIZER, OR 97303	ANNEXATION NO 83- 13 ANNEXATION NO 90-186

This page has been modified to protect customer information.

Marion County Assessor's Property Records Property Search

3 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P122499	7-ELEVEN INC C/O RYAN TAX COMPLIANCE PO BOX 4900 SCOTTSDALE, AZ 85261	073W02CC00100	4380 RIVER RD N KEIZER, OR 97303	KEIZER #17727-2352
P348731	REDBOX AUTOMATED RETAIL LLC C/O ALTUS GROUP 21001 N TATUM BV #1630-630 PHOENIX, AZ 85050	073W02CC00100	4380 RIVER RD N KEIZER, OR 97303	
R25069	SHIRAZEE LLC 2418 13TH ST SE SALEM, OR 97302	073W02CC00100	4380 RIVER RD N KEIZER, OR 97303	ACRES 0.21

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25070	OREGON RIGHT TO LIFE EDUCATION 4335 RIVER RD N KEIZER, OR 97303	073W02CC00400	4335 RIVER RD N KEIZER, OR 97303	ACRES 0

This page has been modified to protect customer information.

Marion County Assessor's Property Records Property Search

4 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P113321	JOHN'S CAR WASH INC 6047 HOGAN DR N KEIZER, OR 97303	073W02CC08000	4235 RIVER RD N, SUITE #27 KEIZER, OR 97303	
P121697	VISION OIL INC PO BOX 5096 VANCOUVER, WA 98668	073W02CC08000	4225 RIVER RD N KEIZER, OR 97303	
P348434	SAFELITE FULFILLMENT INC ATTN TAX DEPT PO BOX 182000 COLUMBUS, OH 43218	073W02CC08000	4229 RIVER RD N, SUITE 150 KEIZER, OR 97303	
R53897	NW MOJO II LLC 12012 SE WILLIAM OTTY CLACKAMAS, OR 97015	073W02CC08000	4225-4235 RIVER RD N KEIZER, OR 97303	MANBRIN GARDENS, BLOCK 1, LOT 1 & 2, ACRES 0.75

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

2 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P321456	O'REILLY AUTO ENTERPRISES LLC C/O RYAN LLC PO BOX 06116 CHICAGO, IL 60606	073W02CC00600	4297 RIVER RD N KEIZER, OR 97303	
R53925	VMT OREGON LLC C/O PETER B MAERTENS 91-6221 KAPOLEI PY #205 EWA BEACH, HI 96706	073W02CC00600	4297 RIVER RD N KEIZER, OR 97303	MANBRIN GARDENS, BLOCK 4, LOT 1,2, ACRES 0.69

This page has been modified to protect customer information.

**Marion County Assessor's Property Records
Property Search**

3 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P120906	WILLAMETTE BROADCASTING CO INC ATTN MICHAEL FRITH PO BOX 1430 SALEM, OR 97308	073W02CC09501	4205 CHERRY AV NE KEIZER, OR 97303	
R25054	JAMES B CAMPBELL LT & CAMPBELL,JAMES B TRE 2060 MYRTLE AV NE SALEM, OR 97301	073W02CC09501	4205 CHERRY AV NE KEIZER, OR 97303	ACRES 0.15
R338015	JAMES B CAMPBELL LT & CAMPBELL,JAMES B TRE C/O CROWN CASTLE PMB 331 MCMURRAY, PA 15317	073W02CC09501L1		COMMUNICATION SITE - VOICE STREAM

This page has been modified to protect customer information.

Marion County Assessor's Property Records Property Search

2 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P350184	SPEED TIRES & WHEELS CORP C/O EVERARDO GARCIA 1425 GARDEN CT NE KEIZER, OR 97303	073W02CC09300	4210 RIVER RD N KEIZER, OR 97303	
R25055	BEDNARZ HOLDINGS INC 780 COMMERCIAL ST ST #300 SALEM, OR 97301	073W02CC09300	4210 RIVER RD N KEIZER, OR 97303	ACRES 0.26

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Marion County Assessor's Property Records Property Search

1 property found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
R25056	BEDNARZ HOLDINGS INC 780 COMMERCIAL ST ST #300 SALEM, OR 97301	073W02CC09400	4225 CHERRY AV NE KEIZER, OR 97303	ACRES 0.09

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**Marion County Assessor's Property Records
Property Search**

2 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P119729	COLUMBIA STATE BANK PO BOX 2156 MS OP-3300 TACOMA, WA 98401	073W02CC00300	4260 RIVER RD N KEIZER, OR 97303	
R25057	WEST COAST BANK C/O MELISSA BROWN PO BOX 2156 TACOMA, WA 98401	073W02CC00300	4260 RIVER RD N KEIZER, OR 97303	ACRES 0.54

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Marion County Assessor's Property Records Property Search



4 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P119996	NFG SALEM LLC 756 HAWTHORNE AV NE SALEM, OR 97301	073W02CB04700	4384 RIVER RD N KEIZER, OR 97303	KEIZER
P330271	WASH & DRY COIN LAUNDRY LLC 1693 CARILOR CT NE KEIZER, OR 97303	073W02CB04700	4376 RIVER RD N KEIZER, OR 97303	
P333094	ACE CASH EXPRESS INC 1231 GREENWAY DR #600 IRVING, TX 75038	073W02CB04700	4378 RIVER RD N KEIZER, OR 97303	STORE #3165
R25065	SHIRAZEE LLC 2418 13TH ST SE SALEM, OR 97302	073W02CB04700	4376-4390 RIVER RD N KEIZER, OR 97303	ACRES 0.35

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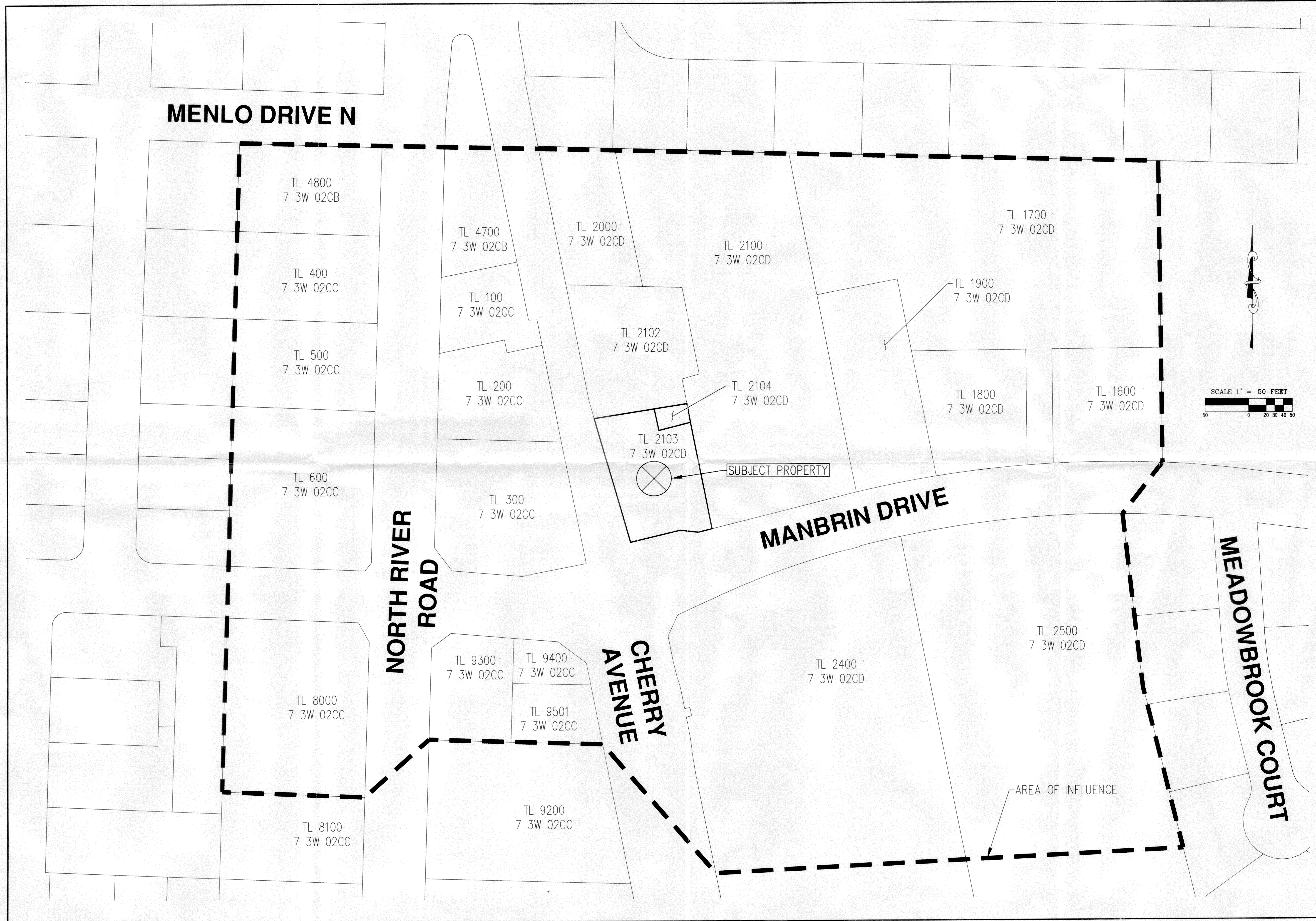
Marion County Assessor's Property Records Property Search

2 properties found.

Property ID	Owner Name	Map Tax Lot	Situs Address	Legal Description
P120937	FARNSTROM FAMILY INC 311 VETERANS HY #B LEVITTOWN, PA 19056	073W02CB04800	4365 RIVER RD N KEIZER, OR 97303	OP#2679
R25073	STONEMOR OREGON SUBSIDIARY LLC C/O STONEMOR OPERATING LLC 311 VETERANS HY #B LEVITTOWN, PA 19056	073W02CB04800	4365 RIVER RD N KEIZER, OR 97303	ACRES 0.38

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AKS DRAWING FILE: AREA OF INFLUENCE - LARGE MAP.DWG | LAYOUT: AREA OF INFLUENCE



AKS AKS ENGINEERING AND FORESTRY SALEM-KEIZER, LLC 4300 CHERRY AVE NE KEIZER, OR 97303 PHONE: 503.400.6028 FAX: 503.400.7722	
ENGINEERING	PLANNING · SURVEYING
FORESTRY	LANDSCAPE ARCHITECTURE
CHERRY AVENUE	OREGON MARION COUNTY TAX MAP 7 3W 0203
KEIZER TAX LOTS 2103 AND 2104	
AREA OF INFLUENCE	
DESIGNED BY:	
DRAWN BY: DMK	
CHECKED BY: DMK	
SCALE: AS NOTED	
DATE:	
REVISIONS	
JOB NUMBER 4387	
SHEET	

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A BILL
ORDINANCE NO.
2015-_____
FOR
AN ORDINANCE

TO VACATE A PORTION OF MANBRIN DRIVE NE,
KEIZER, OREGON (MMAK, LLC)

The City of Keizer ordains as follows:

Section 1. PUBLIC HEARING. The City Council held a public hearing on the proposed vacation of a portion of Manbrin Drive NE, Keizer, Oregon (northerly right-of-way near the intersection with Cherry Ave NE, Keizer, Oregon), specifically approximately 2,021 square feet of Manbrin Drive directly adjacent to Map Tax Lot 073W02CD02103, on the 8th day of September, 2015. At that time, the question to vacate and any objections or remonstrances were heard. The time for filing objections and remonstrances has fully expired.

Section 2. NOTICE OF STREET VACATION. The City Council determines that the required legal notice has been published in the City official newspaper once each week for two consecutive weeks prior to the date of the hearing; and the legal notice was posted at or near each end of the proposed vacated street in at least two conspicuous places in the proposed vacation area within five days of the first publication notice.

1 Further, the Council determines that the posting of notice was completed and the first
2 publication of notice appeared at least 14 days prior to the hearing.

3 Section 3. CONSENT OF REAL PROPERTY OWNERS. The City Council
4 determines that the abutting property owners and not less than two-thirds in area of the
5 real property affected herein have consented to the proposed vacation. In addition, the
6 City Council determines that the City has not received written objections from owners of
7 a majority of the area affected, computed on the basis provided in ORS 271.080.

8 Section 4. PUBLIC INTEREST SERVED. The Council determines that the
9 public interest is served and not prejudiced by the proposed vacation.

10 Section 5. LAND USE CONSIDERATIONS. The Council determines that the
11 proposed vacation would not constitute a significant impact on present or future land
12 uses.

13 Section 6. VACATION. The Council ordains that the property described on
14 Exhibit "A" attached hereto and by this reference incorporated herein be vacated.

15 Section 7. CONDITIONS OF VACATION. Nothing contained herein shall
16 cause or require the removal or abandonment of any sewer, water line, conduit of any
17 kind, wires, poles or equipment of any kind, which are now installed in said street and
18 used or intended to be used for any public service, and owned or used by any public or
19 private utility, and the right is hereby reserved to maintain and continue to repair,

1 reconstruct, renew, replace, rebuild or enlarge any and all such facilities and the right-of-
2 way rights shall continue for such purposes.

3 Section 8. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
4 after its passage.

5 PASSED this _____ day of _____, 2015.

6

7 SIGNED this _____ day of _____, 2015.

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Mayor

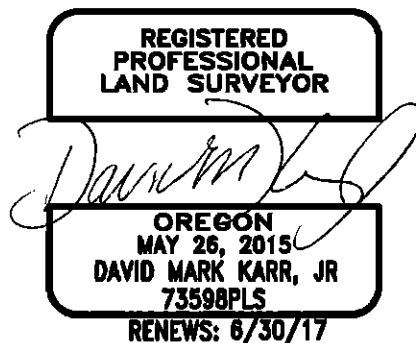
City Recorder

EXHIBIT 'A'

A portion of Manbrin Drive located in the Southwest One-Quarter of Section 2, Township 7 South, Range 3 West of the Willamette Meridian, City of Keizer, Marion County, Oregon, and more particularly described as follows:

Beginning at the southeast corner of Parcel 3 of Partition Plat 95-9, being a point on the north right-of-way line of Manbrin Drive (60.00 feet from centerline); thence leaving said right-of-way line, South $12^{\circ} 53' 00''$ East 9.98 feet to a point; thence along a curve to the left, being non-tangent to the last described course having a radius of 1106.75 feet, a delta of $03^{\circ} 56' 46''$, a length of 76.22 feet, and a chord of South $64^{\circ} 02' 31''$ West 76.21 feet to a point; thence North $61^{\circ} 51' 39''$ West 26.01 feet to a point on a southerly prolongation of the east right-of-way line of Cherry Avenue (variable width); thence North $17^{\circ} 56' 28''$ West 13.23 feet to the southwest corner of said Parcel 3; thence along the southerly line of said Parcel 3 North $74^{\circ} 24' 39''$ East 58.57 feet to a point; thence following said southerly line of Parcel 3 South $85^{\circ} 01' 05''$ East 21.36 feet to a point; thence along the southerly line of said Parcel 3 North $74^{\circ} 25' 29''$ East 16.21 feet along said southerly line to the Point of Beginning.

The above described tract of land contains 2,021 square feet, more or less.

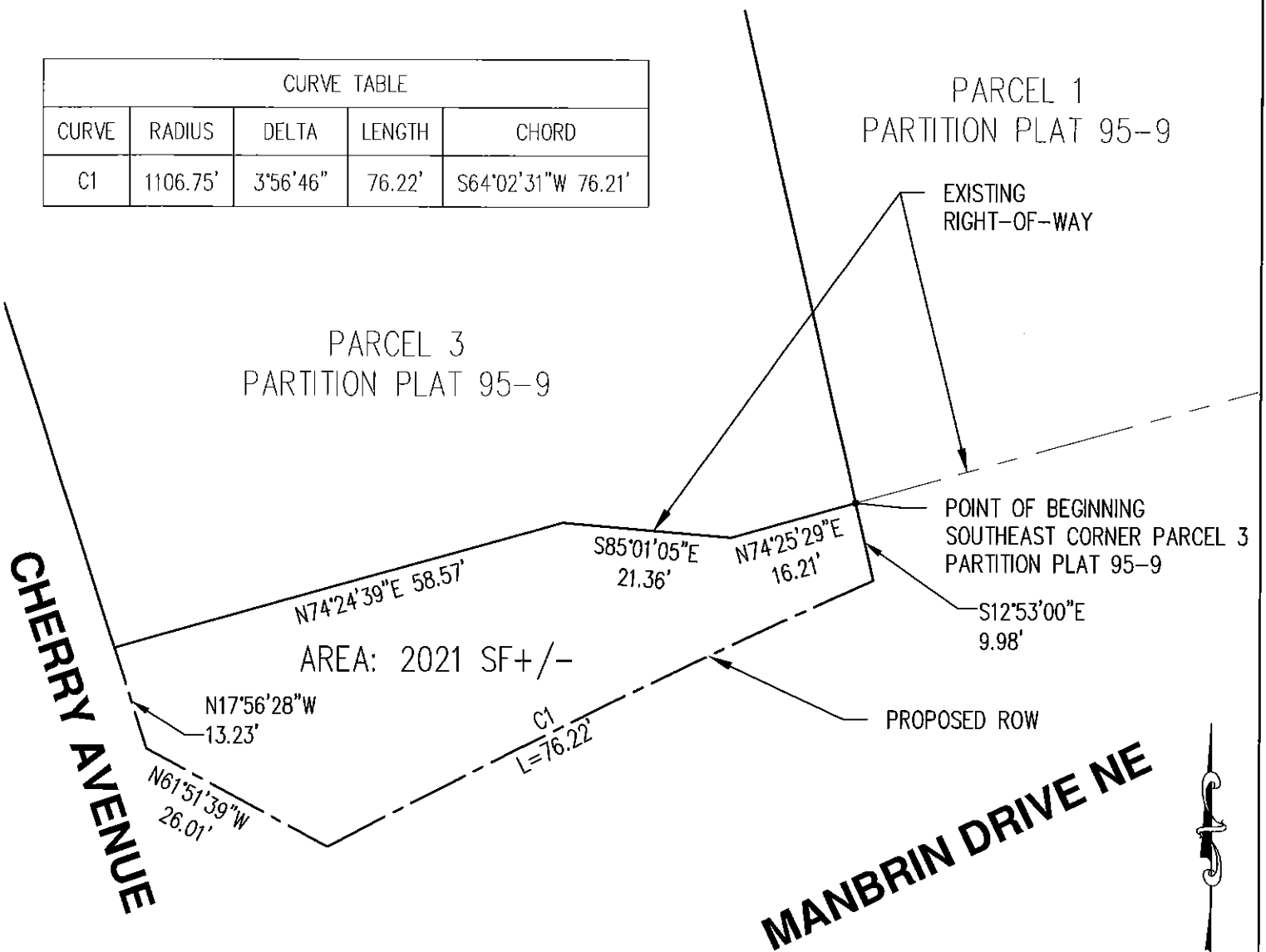


July 24, 2015

EXHIBIT 'B'

MAP OF RIGHT-OF-WAY VACATION BEING A PORTION OF MANBRIN DRIVE IN THE
SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 3 WEST,
WILLAMETTE MARIDIAN, CITY OF KEIZER, MARION COUNTY, OREGON.

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1106.75'	3°56'46"	76.22'	S64°02'31"W 76.21'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

David M. Karr, Jr.

OREGON
MAY 26, 2015
DAVID MARK KARR, JR
73598PLS
RENEWES: 6/30/17

SCALE 1" = 20 FEET



DATE: 07/24/2015

4300 CHERRY AVENUE

AKS ENGINEERING & FORESTRY SALEM-KEIZER, LLC
4300 CHERRY AVE NE
KEIZER, OR 97303
PHONE: 503.400.6028

www.aks-eng.com
FAX: 503.400.7722

AKS

DRWN: DMK
CHKD: DMK
AKS JOB:
4387

CITY COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: MARIJUANA ISSUES RAISED BY 2015 LEGISLATURE

Council considered several issues related to marijuana at its August 17, 2015 meeting. You may recall that Senate Bill 460 allows “early sales” of recreational marijuana at licensed medical marijuana facilities. If the Council desires to allow early sales in the City of Keizer, a small revision needs to be made to the City’s Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process (Ordinance No. 2014-702). In addition, to be consistent with state law, a temporary change needs to be made to the Ordinance Establishing a Tax on the Sale of Marijuana, Medical Marijuana, and Marijuana-Infused Products in the City of Keizer (Ordinance No. 2014-706). I have attached proposed Ordinances relating to this matter for your consideration.

The first Ordinance adds a short paragraph to the Medical Marijuana Facility Permit Ordinance to allow marijuana to be sold to persons who are 21 years of age or older in the type, amounts and manner allowed under Senate Bill 460. This is called the “early sales” provision and limits the marijuana to leaves, flowers, seeds, and a marijuana plant that is not flowering. The limit is one-quarter ounce per person per day. This amendment will make the City’s Ordinance consistent with state law and, like Senate Bill 460 sunsets on December 31, 2016. It is presumed that the regular recreational marijuana facilities will be open and operating prior to that date.

The second amendment has to do with taxation. The Council imposed a zero percent tax on medical marijuana and a ten percent tax on recreational marijuana, or any marijuana other than medical marijuana. The legislature has revised the taxation element from that contemplated under Measure 91, but the local tax option for marijuana under state law is still only three percent. There is no state tax on the early sales.

The attached Ordinance amends the marijuana taxation Ordinance to indicate that only early sales are taxed at zero percent. This leaves open the possible argument in the future with regard to local taxation of regular recreational marijuana facilities.

RECOMMENDATION:

Adopt the attached Ordinances.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

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A BILL
FOR
AN ORDINANCE

ORDINANCE NO.
2015-_____

AMENDING ORDINANCE ADOPTING THE KEIZER MEDICAL
MARIJUANA FACILITY PERMIT PROCESS; DECLARING AN
EMERGENCY; **AMENDMENT OF ORDINANCE NO. 2014-702**

WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.
2014-702 which adopts a Keizer Medical Marijuana Facility Permit Process;

WHEREAS, such Ordinance sets forth permit conditions;

WHEREAS, the 2015 Regular Session of the Oregon Legislative Assembly passed
Senate Bill 460 which was then signed into law by the Governor;

WHEREAS, Senate Bill 460 allows a medical marijuana facility to sell limited
marijuana retail product (recreational marijuana) from October 1, 2015 to December 31,
2016 (“early sales”);

WHEREAS, Ordinance No. 2014-702 currently allows for sale of marijuana
products only between the facility and medical marijuana qualifying patients;

WHEREAS, the Council finds that it is appropriate to revise Ordinance No. 2014-
702 to allow sale of recreational marijuana pursuant to the Senate Bill 460;

NOW, THEREFORE,
The City of Keizer ordains as follows:

1 Section 1. AMENDMENT OF SECTION 6.Q. OF ORDINANCE NO. 2014-702.

2 Section 6.Q. of Ordinance No. 2014-702 is hereby amended by the addition of the
3 following at the end of Section 6.Q. as follows:

4 A Facility may sell marijuana to a Person who is 21 years of age
5 or older in the types, amounts and manner pursuant to Senate Bill
6 460 (2015). Such sales/transfers must occur completely inside the
7 Facility building.

8 Section 2. SUNSET. This Ordinance shall automatically be repealed on
9 December 31, 2016.

10 Section 3. EFFECTIVE DATE. This Ordinance being necessary for the immediate
11 preservation of the public health, safety and welfare, an emergency is declared to exist
12 and this Ordinance shall take effect on October 1, 2015.

13 PASSED this _____ day of _____, 2015.

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15 SIGNED this _____ day of _____, 2015.

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Mayor

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City Recorder

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A BILL
FOR
AN ORDINANCE

ORDINANCE NO.
2015-_____

AMENDING ORDINANCE ESTABLISHING A TAX ON THE SALE
OF MARIJUANA, MEDICAL MARIJUANA, AND MARIJUANA-
INFUSED PRODUCTS IN THE CITY OF KEIZER; DECLARING AN
EMERGENCY; **AMENDMENT OF ORDINANCE NO. 2014-706**

WHEREAS, the City Council of the City of Keizer has adopted Ordinance No.
2014-706 which established a tax on the sale of marijuana, medical marijuana, and
marijuana-infused products in the City of Keizer;

WHEREAS, the 2015 Regular Session of the Oregon Legislative Assembly passed
Senate Bill 460;

WHEREAS, Senate Bill 460 allows a medical marijuana facility to sell limited
marijuana retail product (recreational marijuana) from October 1, 2015 to December 31,
2016 (“early sales”);

WHEREAS, state law arguably preempts local governments on the issue of
taxation of early sales, thereby preventing local taxation to be effective;

WHEREAS, the Council finds that it is appropriate to revise Ordinance No. 2014-
706 to allow early sales without taxation;

NOW, THEREFORE,
The City of Keizer ordains as follows:

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Section 1. AMENDMENT OF SECTION 4 OF ORDINANCE NO. 2014-706.

Section 4 of Ordinance No. 2014-706 is hereby amended by the addition of subsection C.
as follows:

C. Zero percent (0%) of the gross sale amount paid to the seller of
marijuana by an individual who is purchasing marijuana pursuant
to Senate Bill 460 (2015).

Section 2. SUNSET. This Ordinance shall automatically be repealed on
December 31, 2016.

Section 3. EFFECTIVE DATE. This Ordinance being necessary for the immediate
preservation of the public health, safety and welfare, an emergency is declared to exist
and this Ordinance shall take effect on October 1, 2015.

PASSED this _____ day of _____, 2015.

SIGNED this _____ day of _____, 2015.

Mayor

City Recorder

CITY COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ORDINANCE PROVIDING FOR PUBLIC ART AND PUBLIC MURALS; RESOLUTION ADOPTING PUBLIC ART AND PUBLIC MURALS POLICIES

On November 3, 2014, the City Council adopted Ordinance No. 2014-710 (Providing for Public Art and Public Murals). This Ordinance replaced previously adopted Ordinance No. 2014-687 and Ordinance No. 2014-693 regarding the Public Art and Public Murals program. After the City Council adopted Ordinance No. 2014-710, the City Council changed the name of the Keizer Arts Commission to the Keizer Public Arts Commission (KPAC).

The Keizer Public Arts Commission has been working on policies and criteria on which to base their review of applications. The Commission adopted its policies and criteria on August 25, 2015 and a copy of the adopted policies and criteria are attached for your information only and does not require adoption by the Council.

At this point, it is contemplated that the Ordinance Providing for Public Art and Public Murals be replaced with the attached proposed Ordinance. The proposed Ordinance revises the name of the Commission and removes the detail involved in the review by the Keizer Public Arts Commission under KPAC's policies.

It is anticipated that the Council will adopt Art Program policies relating to insurance responsibilities, installation, donations/commissions, etc. by Resolution. KPAC has recommended a twenty percent (20%) commission on the proceeds of any sale that is a direct result of Artwork being displayed in the Community Center. It is my understanding that this is substantially less than standard gallery commission rates. I have attached the proposed Resolution for your consideration.

RECOMMENDATION:

Adopt the documents in the following order:

1. Ordinance Providing for Public Art and Public Murals; Repeal of Ordinance No. 2014-710.
2. Resolution Adopting Public Art and Public Murals Policies.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

Keizer Public Art Commission Policies and Criteria

The Keizer Public Art Commission (KPAC) staff shall meet with representatives of any proposed art project and forward the proposal to KPAC if selection criteria appear to be met. The KPAC meeting where the work(s) of art is to be considered shall be an open meeting and input may be provided by the public. KPAC shall weigh the proposal against the adopted approval criteria and vote to approve or reject the proposal.

If KPAC decides not to approve an art project proposal, the applicant may ask for specific feedback on ways to improve his or her proposal, resubmit the proposal, and ask for reconsideration by the Commission at its next meeting.

The Commission will use the process and criteria outlined herein, and any criteria adopted by City Council Resolution, on a case-by-case basis depending on the type of art being considered, and location of the proposed work of art (mural, community center art, sculpture etc).

A. PUBLIC ART AT KEIZER COMMUNITY CENTER

The process to display Public Art at the Keizer Community Center is as follows:

1. Artist/representative submits the following to the Keizer Public Arts Commission at least 7 business days prior to the art commission meeting before the date requested for installation:
 - a. Letter of request
 - b. Photo of each piece proposed to be displayed
 - c. Contact information for each artist, including daytime contact number, email and mailing address
 - d. List indicating the title(s) of the property for each artist
 - e. Medium of the property (oil, acrylic, pastel, etc)
 - f. Approximate dimensions of the property
 - g. Market value of each piece (even if the piece is not for sale)
2. The Keizer Public Arts Commission (KPAC) will review and evaluate the request at a regularly scheduled meeting.
3. If the display is approved, KPAC will inform the artist(s) that the art must be mount-ready for installation and when the art will be displayed.
4. If the display is approved and the art is available for the approved exhibition period, KPAC will provide the legal department with the artist information listed in Section A(1) above.
5. KPAC will also provide the legal department with the beginning and termination date for the display (minimum of 30 days to a maximum of 90 consecutive calendar days).
6. The legal department will prepare an agreement and obtain the appropriate signatures.

7. Following KPAC's approval, staff will make arrangements for the installation and removal of the public art.
8. The art must be suitable for the public area of the Community Center. Since the art is on property owned by the City, the City may reasonably prohibit certain material. The art cannot include objectionable material such as nudes or derogatory or defamatory content.
9. The valuation of each piece and total value of the exhibition cannot exceed the values as set by Keizer City Council Resolution.
10. The executed contract must be received prior to the receipt and installation of the property by the City.
11. It is the responsibility of the artist(s) to prepare title cards (approx. 3"x5") which list the title of the piece, the media, the artist's name (if the display is multiple artists), the sale price—or a statement that the piece is not for sale, and contact information of the artist if the piece is for sale. The cards must be of neutral grey, white or buff. The City will provide sticky gum for the affixing of the cards to the wall.
12. The pieces must be in good condition, suitable for display, and ready to hang from the display system in use at the Community Center.
13. The quantity of the pieces should be suitable for the space and a drawing of the display areas is available if necessary. Larger pieces will necessitate a fewer number of total pieces. The City generally is able to accommodate approximately 60 pieces of artwork which are approximately 18"x 24" (this is a general approximation--depending on framing, orientation etc.)
14. The physical hanging of the art will be by City staff, but must be organized and ordered by the artist or their representative, and they must be present and able to assist the staff as the work is being installed.
15. The artist/representative is highly encouraged to meet with staff prior to the display installation to coordinate, review and plan the details of the installation.
16. The Artist must agree to donate a percentage of the proceeds as set by City Council Resolution of the sale of any piece that is sold as a result of being displayed.

The criteria that KPAC will use to evaluate pieces to display Public Art at the Keizer Community Center is as follows:

1. The Commissioners have the sole discretion to evaluate the proposed Public Art and will choose to accept the pieces for display based on artistic merit, quality of work, and subject matter.
2. The evaluation will be based on the intent of creating a venue for public display of art for education, edification, and enjoyment of the citizens of the City of Keizer.

B. PUBLIC MURAL

The process to display a Public Mural in the City of Keizer is as follows:

1. The property owner, artist, or other individual submits a request to KPAC with the concept for a mural with such detail to allow KPAC the ability to evaluate the concept according to the approval criteria established herein. This would include sketches and enough description about the materials used, the space where the piece would be created, and any other details that allow a decision to be made.
2. The request must contain any proposed temporary signage associated with the project prior to the mural being installed.
3. The request must also contain any proposed signage (if known) relating to the title, artist information, and/or dedication information that is to be installed following completion of the mural installation. This information shall be appropriately sized and shall be part of the mural and therefore not counted as part of the sign area.
4. KPAC staff will verify that the property owner is willing to have a mural on the property.
5. KPAC will review and evaluate the request at a regularly scheduled meeting.
6. If KPAC determines in its sole discretion that such concept is approved, KPAC will provide the legal department with a representative drawing or photo of the mural and the location proposed for the mural.
7. An Art Easement between the City and the property owner will be created by the legal department.
8. The legal department will have the Art Easement signed by the property owner and will place it before the Keizer City Council for authorization to enter into the Easement.
9. If authorized by the Keizer City Council, the Art Easement will be signed by the City representatives and recorded against the title of the property.
10. The Art Easement must be fully signed and recorded against the title of the property before work on the property will commence.

11. At the same time that the Art Easement is being prepared and signed, KPAC will make arrangements for funding, supplies, artists, etc. in preparation of placement of the Public Mural at the property.
12. The valuation of the Public Mural cannot exceed the value set by the Keizer City Council by Resolution.
13. Following completion of the project, KPAC notifies the City Recorder of the value of the mural.

The criteria that KPAC will use to evaluate Public Murals in the City of Keizer is as follows:

1. Artistic quality: The strength of the artist's concept and demonstrated craftsmanship must be of a manner suitable for public display;
2. Context: The Work must enhance the architectural, geographical, socio-cultural and historical context of its location and be of suitable subject matter for its context;
3. Media: The choice of media (paint, collage, relief, etc.) shall be suitable for the manner and place of its display;
4. Scale: The work must be appropriate in scale to the surrounding neighborhood or display area;
5. Feasibility: The work's budget, timeline, etc. must be accomplished without undue disruption to the public;
6. Originality: The uniqueness and originality of the work is encouraged and shall be considered;
7. Structural and surface soundness: The work must be durable and resistant to vandalism and weather if displayed outdoors;
8. Property owner's agreement: For murals, the property owner must be willing to execute an easement granted to the City;
9. Property owner's maintenance: It is desirable that the property owner will agree to maintain the mural over the life of the mural;
10. Public Safety: The mural must meet City codes for safety and will not create any undue distraction or hazard.

C. OTHER PUBLIC ART

The process to display Other Public Art (other than Murals or Art placed at the Keizer Community Center) is as follows:

1. A KPAC Commissioner, property owner, artist, Keizer Art Association, or other individual shall submit a proposal to KPAC to consider.
2. The proposal must contain enough information, such as the proposed location, materials, and approvals needed in order for KPAC to make a decision.
3. KPAC evaluates the proposal to determine the feasibility of the project.
4. KPAC will review and evaluate the proposal at regularly scheduled meetings.
5. If KPAC determines the proposal is approved, KPAC staff will determine the appropriate legal documents that will be required with the assistance of the legal department.
6. KPAC arranges for necessary funding.
7. The legal department will prepare the legal documents, obtain Council approval, if required, and obtain the appropriate signatures.
8. KPAC staff/City staff installs art pads, if necessary.
9. KPAC facilitates installation of art following documents being fully signed and art pads being installed.
10. City Recorder adds value of art to insurance policy.

The criteria that KPAC will use to evaluate Other Public Art in the City of Keizer is as follows:

1. Artistic quality: The strength of the artist's concept and demonstrated craftsmanship must be of a manner suitable for public display;
2. Context: The Work must enhance the architectural, geographical, socio-cultural and historical context of its location and be of suitable subject matter for its context;
3. Media/Material: The choice of media/material (paint, metal, wood, concrete, etc.) shall be suitable for the manner and place of its display;
4. Scale: The work must be appropriate in scale to the surrounding neighborhood or display area;

5. Feasibility: The work's budget, timeline, etc. must be accomplished without undue disruption to the public;
6. Originality: The uniqueness and originality of the work is encouraged and shall be considered;
7. Structural and surface soundness: The work must be durable and resistant to vandalism and weather if displayed outdoors;
8. Public Safety: The mural must meet City codes for safety and will not create any undue distraction or hazard.

Adopted by Keizer Public Arts Commission on this 25th day of August, 2015.

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AN ORDINANCE

PROVIDING FOR PUBLIC ART AND PUBLIC MURALS; **REPEAL OF**
ORDINANCE NO. 2014-710

The City of Keizer ordains as follows:

Section 1. PURPOSE. This Ordinance provides for the placement of Public Art and Public Murals.

Section 2. DEFINITIONS.

Alteration: Any change to a public mural, including but not limited to any change to the image(s), materials, colors or size of the public mural. Alteration does not include naturally occurring changes to the public mural caused by exposure to the elements or the passage of time, or maintenance or repair of the public mural that includes slight and unintended deviations from the original image, colors or materials that occur when the public mural is repaired due to the passage of time, or after damage resulting from vandalism.

Art Easement: An easement given by a property owner to the City of Keizer to provide for placement of Public Art.

Artist: A practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces works of art, and who is not a member of the Keizer Public Arts Commission.

Artwork: All forms of original creations of visual art, including but not limited to, painting, sculpture, prints, ceramics, drawings, stained glass, mosaics, photography, fiber and textiles, calligraphy, mixed media, and any combination of media, including collage.

City Building: Any building owned or leased by the City, or area therein, which is open to the public; provided however, “City Building” does not include parking lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump stations, treatment plants and utility facilities, or buildings that have the primary

1 purpose of displaying historical artifacts, cultural items, or works of art.

2 City Manager: The City Manager of the City of Keizer, or the City Manager's
3 designee.

4
5 Keizer Community Center: Interior hallway walls at the Keizer Community
6 Center located 930 Chemawa Road Northeast, Keizer, Oregon.

7
8 Public Art: Original Artwork which is accessible to the public and/or public
9 employees, and which has been approved as Public Art by the Keizer Public Arts
10 Commission, acting on behalf of the City of Keizer.

11
12 Public Mural: An original, two-dimensional work of visual art, comprised of paint,
13 ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed
14 directly to an exterior wall of a building, which has been approved by the Keizer
15 Public Arts Commission and accepted by the City into its public art collection
16 pursuant to this Ordinance. A Public Mural is not an original work of visual art if
17 it is mechanically reproduced or computer generated and printed on a base that
18 will be attached to the wall, such as, by way of illustration but not limitation,
19 limited images digitally printed on vinyl.

20
21 Section 3. APPLICATION FOR PLACEMENT OF PUBLIC MURAL. A property
22 owner or designee in non-residential zones may apply for placement of a Public Mural
23 with the Keizer Public Arts Commission.

24 Section 4. APPLICATION FOR PLACEMENT OF PUBLIC ART AT KEIZER
25 COMMUNITY CENTER. An Artist may apply for placement of Public Art at the Keizer
26 Community Center.

27 Section 5. APPLICATION FOR OTHER PUBLIC ART. An Artist may apply for
28 placement of Public Art at other locations, including, but not limited to statues and
29 sculptures outdoors.

30 Section 6. REVIEW BY KEIZER PUBLIC ARTS COMMISSION.

31 A. Keizer Public Arts Commission shall review each application and

1 supporting materials.

2 B. The Keizer Public Arts Commission shall develop specific policies and
3 criteria on which to base such review. These criteria shall include, but are
4 not limited to, artistic quality, originality, context, permanence, diversity,
5 feasibility, scale and community support.

6 C. The Keizer Public Arts Commission shall be guided by the policies and
7 criteria adopted by City Council Resolution, if any.

8 Section 7. FUNDING/CITY STAFF TIME. Unless specifically budgeted for by the City
9 Council, any and all actual costs shall be by donation or in-kind work only. City staff
10 time shall be allowed, as directed by the City Manager.

11 Section 8. SITING OF PUBLIC MURAL. A Public Mural obtained pursuant to this
12 Ordinance may be sited in, on or about any City Building as approved by the City Council,
13 or other property under the control of or made available to the City by an Art Easement
14 between the property owner and the City of Keizer.

15 Section 9. PUBLIC MURAL/ART EASEMENT. A property owner who wishes to
16 donate wall space to the public for a Keizer Public Arts Commission approved Public
17 Mural may do so by granting an Art Easement for placement of a Public Mural on his/her
18 building to the City. Art Easements will be for five or more years. The City Council can
19 accept or decline any Art Easements for Public Murals which are offered to it. Art
20 Easements are managed by the City Manager, as with other publicly owned property. The
21 City Recorder is responsible for maintaining a written and photographic record of each

1 Keizer Public Arts Commission-approved Public Mural and accepted Art Easement.

2 Section 10. PUBLIC MURAL; CREATION. No person or Artist shall commence
3 creation of any Public Mural without first obtaining approval from the Keizer Public Arts
4 Commission, and agreeing to donate the Public Mural to the City's Public Art collection.
5 Any Public Mural that is created without approval of the Keizer Public Arts Commission,
6 is inconsistent with the conditions of approval from the Keizer Public Arts Commission,
7 or is altered without approval is not an allowed Public Mural and is an infraction under
8 the Civil Infraction Ordinance.

9 Section 11. LOCATION OF OTHER PUBLIC ART. Public Art, other than Art placed
10 at the Keizer Community Center, may only be placed at locations approved by the Keizer
11 City Council. This category includes, but is not limited to, public statues or sculptures
12 located in Council-approved areas where the City has been granted license or easement
13 rights, or in public right-of-way areas.

14 Section 12. ABATEMENT OF NUISANCE/CITATION FOR INFRACTION. The City
15 Manager or his/her designee may make an investigation to determine whether a violation
16 of this Ordinance has occurred. If the City Manager or his/her designee determines that
17 there is a violation of this Ordinance, he or she may proceed to abate the nuisance pursuant
18 to the Keizer Uniform Abatement Procedure or may seek any other legal or equitable
19 remedy provided by law for the abatement of the nuisance or for the enforcement of the
20 provisions of this Ordinance, including without limitation issuing a citation for infraction.

21 Section 13. SAVINGS CLAUSE. Should any section or portion of this Ordinance be

1 held unlawful and unenforceable by any court of competent jurisdiction, such decision
2 shall apply only to the specific section, or portion thereof, directly specified in the
3 decision. All other sections or portions of this Ordinance shall remain in full force and
4 effect.

5 Section 14. REPEAL OF ORDINANCE NO. 2014-710. Ordinance No. 2014-710 shall
6 be repealed in its entirety.

7 Section 15. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after
8 its passage.

9 PASSED this _____ day of _____, 2015.

10

11 SIGNED this _____ day of _____, 2015.

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15

Mayor

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City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2015-_____

ADOPTING PUBLIC ART AND PUBLIC MURALS POLICIES

WHEREAS, the City Council adopted an Ordinance Providing for Public Art and Public Murals in 2015;

WHEREAS, the City Council wishes to adopt policies relating to Public Art and Public Murals;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Public Art and Public Murals policies attached hereto, and by this reference incorporated herein, are hereby adopted.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2015.

SIGNED this _____ day of _____, 2015.

Mayor

City Recorder

POLICIES FOR PUBLIC ART AND PUBLIC MURALS

1. Artwork must not interfere with City-owned displayed art.
2. Only City staff is permitted to install and uninstall Artwork in the Keizer Community Center.
3. City will be responsible for damage or loss to the Artwork while on display in the Keizer Community Center. Regardless of market value, the maximum liability to the City shall be \$3,000 per individual art piece or \$50,000 per exhibition. An exhibition means all Artwork displayed in the Keizer Community Center at the same time, but does not include City-owned displayed art.
4. City will insure Public Murals in the City of Keizer. The maximum liability to the City shall be \$10,000.00 per Public Mural.
5. City will insure Other Public Art such as public statues and sculptures in an amount the Artist and City agree to in the Agreement for Exhibition of Property. The maximum liability to the City shall be \$25,000.00 per individual art piece.
6. If damaged Artwork is repairable, City shall reimburse actual out-of-pocket costs for materials and Artist shall repair the Artwork without charges for labor.
7. Artist will indemnify City related to any defects of the Artwork, faulty workmanship of the Artist, or any acts of negligence by the Artist.
8. Artist will be required to enter into an Agreement for Exhibition of Property prior to City staff installing property for display in the Keizer Community Center.
9. Property owner will be required to enter into an Art Easement prior to installation of a Public Mural and such Art Easement shall be placed before the Keizer City Council for authorization prior to the City Manager signing it.
10. City shall not broker for Artist in any manner, including, but not limited to, connecting Artist with potential purchasers, fielding questions about the property, or accepting payments for purchased property.
11. The Artist must agree to a donation/commission equal to twenty percent (20%) of the proceeds of any sale that is a direct result of the Artwork being displayed as Public Art at the Keizer Community Center.
12. Any donations/commissions received by the City of Keizer shall be placed in a dedicated fund to provide for the costs of operating public art programs.

13. A Public Mural may not include any words, pictures, or symbols that may be considered advertising for any business, entity, or location where the Public Mural is affixed.

CITY COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE

At the August 17, 2015 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes to revise the Code relating to infill and infill development regulations. Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

Please let me know if you have any questions. Thank you.

ESJ/tmh

1 BILL NO. ____

A BILL

ORDINANCE NO.

2015-_____

3 FOR

4
5 AN ORDINANCE

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8 AMENDING KEIZER DEVELOPMENT CODE REGARDING
9 SECTION 1.200 (DEFINITIONS), SECTION 2.102 (SINGLE
10 FAMILY RESIDENTIAL), SECTION 2.103 (LIMITED DENSITY
11 RESIDENTIAL), SECTION 2.104 (MEDIUM DENSITY
12 RESIDENTIAL), SECTION 2.107 (MIXED USE), SECTION 2.118
13 (URBAN TRANSITION), SECTION 2.129 (CHEMAWA
14 INTERCHANGE OVERLAY ZONE), SECTION 2.302 (STREET
15 STANDARDS), SECTION 2.303 (OFF-STREET PARKING AND
16 LOADING), SECTION 2.310 (DEVELOPMENT STANDARDS
17 FOR LAND DIVISIONS), SECTION 2.311 (PLANNED UNIT
18 DEVELOPMENT DESIGN STANDARDS), SECTION 2.314
19 (STANDARDS FOR SINGLE FAMILY DWELLINGS), SECTION
20 2.315 (DEVELOPMENT STANDARDS), SECTION 2.316 (INFILL
21 DEVELOPMENT STANDARDS), AND SECTION 3.106 (LOT
22 LINE ADJUSTMENT); **AMENDING ORDINANCE NO. 98-389**

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24
25 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
26 City Council amendments to the Keizer Development Code (Ordinance No. 98-389);
27 and

28 WHEREAS, the City Council has held a hearing on this matter and considered
29 the testimony given and the recommendation of the Keizer Planning Commission; and

30 WHEREAS, the Keizer City Council has determined that it is necessary and
31 appropriate to amend the Keizer Development Code as set forth herein; and
32

1 WHEREAS, the Keizer City Council has determined that such amendments
2 meet the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
3 Development Code;

4 NOW, THEREFORE,

5 The City of Keizer ordains as follows:

6 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
7 Exhibit "A" attached hereto and by this reference incorporated herein.

8 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

9 The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the
10 adoption of the changes to Section 1.200 (Definitions), Section 2.102 (Single Family
11 Residential), Section 2.103 (Limited Density Residential), Section 2.104 (Medium
12 Density Residential), Section 2.107 (Mixed Use), Section 2.118 (Urban Transition),
13 Section 2.129 (Chemawa Interchange Overlay Zone), Section 2.302 (Street Standards),
14 Section 2.303 (Off-Street Parking and Loading), Section 2.310 (Development
15 Standards for Land Divisions), Section 2.311 (Planned Unit Development Design
16 Standards), Section 2.314 (Standards for Single Family Dwellings), Section 2.315
17 (Development Standards), Section 2.316 (Infill Development Standards), and Section
18 3.106 (Lot Line Adjustment) as set forth in Exhibit "B" attached hereto, and by this
19 reference incorporated herein.

20

1 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
2 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional,
3 or is denied acknowledgment by any court or board of competent jurisdiction,
4 including, but not limited to the Land Use Board of Appeals, the Land Conservation
5 and Development Commission and the Department of Land Conservation and
6 Development, then such portion shall be deemed a separate, distinct, and independent
7 provision and such holding shall not affect the validity of the remaining portions
8 hereof.

9 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
10 days after its passage.

11 PASSED this _____ day of _____, 2015.

12 SIGNED this _____ day of _____, 2015.

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Mayor

City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to the Keizer Development Code Section 2.316 (Infill Development Standards); 2.314 (Standards for Single Family Dwellings); 2.315 (Development Standards); 2.102 (Single Family Residential); 2.103 (Limited Density Residential); 2.104 (Medium Density Residential); 2.107 (Mixed Use); 2.118 (Urban Transition); 2.302 (Street Standards); 2.129 (Chemawa Interchange Overlay Zone); 2.303 (Off-Street Parking and Loading); 1.200 (Definitions); 2.310 (Development Standards for Land Divisions); 2.311 (Planned Unit Development Design Standards); and 3.106 (Lot Line Adjustment)

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.

- a. The particulars of this case are found within planning file Text Amendment 2015-05. The 15 sections of the Development Code that were revised are included as part of this file and not within any other separate planning file.
- b. In February 2015, the Planning Commission voted to initiate the text amendment process to consider revisions related to infill development. The issue of accessory residential housing units was included as part of this process, but was processed separately and was approved by the City Council in June, 2015.
- c. A public hearing was held before the Planning Commission on May 13, 2015. It was continued to the June 10, 2015, and the July 8, 2015 Planning Commission meeting. The Planning Commission voted unanimously to recommend approval of the proposed text revisions. Staff met with local single family home builders and apartment builders, land developers, and the Salem-Keizer Home Builders Board to inform and solicit comments of the proposed revisions. The Planning Commission received testimony from representatives on behalf of the Salem-Keizer Home Builders Board, and the West Keizer Neighborhood Association. A public hearing was held before the City Council on August 17, 2015. The City Council directed staff to prepare an ordinance with findings to adopt the proposed revisions.

2. **A demonstrated need exists for the product of the proposed amendment - Section 3.111.04.B.**

Findings: The proposed revisions to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the City’s Development

Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The intent is to identify chapters that can be updated in a manageable format. The proposed revisions will allow for the zone code to be updated so that it is both easier to read and also eliminates identified confusions within the regulations. This item was identified as a one of the City Council's goals. The revisions govern infill development as it relates to compatibility with immediately adjacent properties, off-street parking, access easement that serves the new development, and building design of new single family dwellings. The City Council has determined that a demonstrated need exists and so complies with this provision.

3. **The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules – Section 3.111.04.C.**

FINDINGS: The proposed text amendments comply with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving a public hearing, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the Planning Commission and the City Council. Citizens were afforded the opportunity to participate in the public process. Testimony was received from representatives on behalf of the Salem-Keizer Home Builders Board, and the West Keizer Neighborhood Association. Salem-Keizer Home Builders Board was generally supportive although they had a number of specific comments related to the revision in Section 2.314 and 2.316. The West Keizer Neighborhood Association testified in support of the proposed revisions. This information was made available to both the Planning Commission and the City Council. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this Goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code in 15 sections which relate to residential infill development. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the Planning Commission and City Council where opportunities for both verbal and written testimony were provided. Public testimony was provided before the Planning Commission but not before the City Council. Testimony was received from representatives on behalf of the Salem-Keizer Home Builders Board, and the West Keizer Neighborhood Association. Therefore, the proposed revisions to the zone code are consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. The proposed amendments will only affect lands that are within the boundaries of the city limits of Keizer. Within the city limits lands that allow commercial agriculture are the Special Agriculture (an EFU qualifying zone), a 10 acre parcel with an EFU designation which is not recognized by the state as an EFU qualifying zone, and the Urban Transition zone. The amendments will not impact any properties that are designated to allow for agricultural uses as none of these designated parcels are likely to have any accessory residential housing units on them. The SA zoned parcel owned by the city is intended for future park uses, the EFU zoned parcel is a field with no buildings, and the UT zoned parcels are mostly small parcels with residences. Therefore, the proposed amendments to the respective 15 sections of the Keizer Development Code will not affect lands that are designated either EFU or SA and so will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. The only lands in the city limits that will allow commercial forestry are the UT, SA, and EFU zones. None of the parcels with these designations are currently in timber production. There are no other lands designated within the city limits that allow for commercial forestry. The amendments to the zone code for text revisions related to residential infill does not involve any land which is designated as forest land. As such it will not impact the use of any forest lands which may be near Keizer. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The city has a wetlands inventory of identified wetlands and wetland soils within the city limits. Any development within an area that is suspected of being possible wetland soils is required to be done in accordance with state regulations. The proposed amendments to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendments to the code regulations regarding residential infill development will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in the Willamette River

and other local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. The revisions to the city's zone code regulations regarding residential infill development will not impact the quality of air, water, or land resources, and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. The revisions to the zone code regarding residential infill type of development will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The city has an adopted Parks and Recreation Master Plan that details the city's inventory of park facilities and estimates future park needs for the city's future residents for the upcoming 20 year planning period. The proposed text amendments to Section 2.316 (Infill Development Standards); 2.314 (Standards for Single Family Dwellings); 2.315 (Development Standards); 2.102 (Single Family Residential); 2.103 (Limited Density Residential); 2.104 (Medium Density Residential); 2.107 (Mixed Use); 2.118 (Urban Transition); 2.302 (Street Standards); 2.129 (Chemawa Interchange Overlay Zone); 2.303 (Off-Street Parking and Loading); 1.200 (Definitions); 2.310 (Development

Standards for Land Divisions); 2.311 (Planned Unit Development Design Standards); and 3.106 (Lot Line Adjustment) will have no impact on either the existing or any planned recreational facilities or activities or uses within the city. Therefore, this goal and any related rules are not applicable.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city recently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning study of an economic opportunity analysis for the Salem – Keizer regional area. The study identified potential economic opportunities facing the region so as to better plan to take advantage of identified economic opportunities. A follow up to that study, the Keizer Economic Opportunities Analysis, was undertaken and documented the economic trends and economic opportunities which are geared specifically to Keizer.

The EOA documenting the composition of employment by industry in Keizer exhibits several large deviations from the statewide composition. The deviations represent Keizer's competitive advantages in the economy, which fall largely in population-driven services. Industry classifications such as Retail Trade, Education & Health, and Food Service & Drinking Places have a high representation locally. These well-represented industries, in combination with economic development goals and input from the stakeholders, were used to devise potential future target industries. Current employment levels by industry were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels.

The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. An inventory of remaining buildable lands found 123 acres of buildable land within the city boundary, in the commercial and industrial categories. However, there is no land available that is well-suited for the institutional category, which includes hospitals, higher education facilities, and other uses that figure heavily into the City's economic development strategy. Finally, the EOA shows there is a need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. The proposed text amendments related to residential infill development will have no impact on this goal. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The city recently engaged with the City of Salem to conduct a planning study of buildable lands and housing needs analysis for the Salem – Keizer regional area. In a follow up to the regional study the city adopted its own local housing needs analysis geared specifically to Keizer and identified the projected 20 year housing needs for the city. The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number

of non-group households by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population. The HNA documented that the largest share (50%) of one housing type is projected to be single-family detached homes, due to the stronger need for new ownership housing. The remainder of units is projected to be some form of attached housing (46%), or mobile homes (4%). 54% are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands finds a current supply of 315.2 acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres. The proposed amendments to the development code will affect only residential infill development. It is neither the intent to limit or to encourage additional residential development rather the infill revisions will govern the impacts associated with infill development on immediately adjacent properties and provide options to help mitigate these impacts. These include additional design standards, screening, building setbacks. All in all these will have a positive, although in all likelihood slight impact on this goal and on any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, has an established street system, administrative services, police services, and public safety services. Sanitary sewer service is provided by the city of Salem through an intergovernmental agreement. There is more than adequate water and sanitary sewer capacity to serve the projected needs of the city through the upcoming 20 year planning period. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. Educational facilities are provided by the Salem-Keizer School District and Chemeka Community College. The proposed amendments to the development code will not impact any of the city's public facilities and services, and so this goal and any rules are not applicable.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit, bike, and pedestrian systems and outlines future needs and improvements to these facilities and contains policies regarding these facilities. The revisions to the residential infill regulations in the development code will

not impact any of the city's public transportation systems, and so this goal and any implementing rules are not applicable.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed text amendments will not affect this goal or implementing administrative rules, and so is determined not to be applicable.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revisions will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land that is outside the city limits so this section is not applicable.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions to the city's code regulations will have no impact on the ability of the city to regulate uses along the river, or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast, these goals are not applicable

In consideration of the above findings, the proposed zone code revisions to the development code complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

4. **The amendment is appropriate as measured by at least one of the following criteria – Section 3.111.04.D:**
- a. It corrects identified error(s) in the previous plan.
 - b. It represents a logical implementation of the plan.
 - c. It is mandated by changes in federal, state, or local law.
 - d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed text amendments are intended to correct identified errors within the exiting code regulations. One of the main problems with the infill regulations was that it created two distinct types of development requirements, those which governed “infill” as defined in Section 2.316 and regulations which governed all other new single family or non-infill developments. This dual code provision created confusion as to

which set of regulations applied. The proposed revisions will incorporate many of the infill provisions within Section 2.316 into other applicable sections thereby eliminating the dual code aspect of the Development Code. The sections that will be retained in 2.316 outline the requirements for infill development when a property is less than 2 acres in size and proposed to be partitioned or subdivided. As part of that process a development plan showing the proposed setbacks, anticipated building stories, and if proposed as mitigations, landscaping and fencing that will screen the proposed development. To make new single family infill development compatible with the existing neighborhood, building heights for new infill development shall not exceed five (5) feet above the height of the existing abutting dwelling(s) located on directly abutting parcels, unless mitigation measures are provided. Acceptable mitigation measures may include a combination of landscaping and / or increased setbacks.

Section 2.316 now contains design standards for new single family dwellings and for multi-family developments. While this section is proposed to be eliminated, the provisions contained in it would be inserted into appropriate existing sections governing design, thereby removing another aspect of the dual code. Single family design requirements would be inserted in Section 2.314 and the multi-family design provision into Section 2.315. The list of design options for new single family dwellings is increased from 2 to 5 design elements from an expanded list of 11 design options. The intent of the expanded list is to allow for greater flexibility while still maintaining design features on new construction. In addition to the design options, Section 2.314 also contains an additional set of design options that are related to the location of the garage relative to the front façade. The intent of this is to mitigate the aesthetic impact associated with garage forward homes. The design standards for new multi-family developments would be deleted from Section 2.316 and included within Section 2.315 and are kept largely intact with the most significant change to include the new requirements that the design of the building planes also include the façade facing the street (previously not included) and that a minimum of 3 different building materials are used in the design of multi-family buildings.

Section 2.302.08.C is proposed to require a turnaround regardless of the length of the easement. To ensure that adequate parking is provided, Section 2.303.06 will require 3 parking spaces be provided if property is a flag lot or on an access easement. To ensure there is adequate separation between an access easement and a new house, a minimum 10 foot building setback will be required in Section 2.102 (Single Family Residential); 2.103 (Limited Density Residential); 2.104 (Medium Density Residential); 2.107 (Mixed Use); and 2.118 (Urban Transition).

Other revisions include minor changes due to renumbering or deletions. The proposed amendments to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendments are not mandated by any federal, state, or local laws. The City Council found that it was appropriate to consider the proposed amendments and that a need was demonstrated for the proposed text amendments. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

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CITY COUNCIL**

and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

Child Foster Home: Any home maintained by a person who has under the care of the person in such home any child under the age of 18 years not related to the person by blood or marriage and unattended by the parent or guardian for the purpose of providing such child's care, food and lodging. This use must have a current certificate of approval issued by the State of Oregon (6/99)

Church: See House of Worship. (5/98)

City: The City of Keizer, Oregon. (5/98)

Clinic: A facility operated by a group of physicians, dentists, or other licensed health practitioners on an out-patient basis and not involving overnight housing of patients. (5/98)

Club: An organization, group, or association supported by the members, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit. (5/98)

Commission: The Planning Commission of Keizer, Oregon. (5/98)

Common Open Space: An area, feature, building or other facility within a development intended for the use by the residents of the development. (5/98)

Community Building: A publicly owned and operated facility used for meetings, recreation, or education. (5/98)

Comprehensive Plan: The officially adopted City of Keizer Comprehensive Plan, as amended. (5/98)

Conditional Use: A use, which is permitted in a particular zone or elsewhere in this ordinance only after review and approval as a conditional use, including non-conforming" conditional uses. (5/98)

Condominium: A building or group of buildings, broken into separate units with each unit being separately owned, while the parcel on which the building(s) is located is held in a separate ownership. Condominiums are subject to the provisions of ORS 94.004 to 94.480, and 94.991. (5/98)

Conforming: In compliance with the regulations of the Code. (5/98)

Constrained Access Area:

~~Constrained access area means that portion of an infill street where modifications to the right-of-way or improvement widths have been made to allow access between existing~~

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~~structures or other physical obstructions for the purpose of infill development (see Section 2.316.10).~~ (01/02)

~~Constrained Access Roadway:~~

~~Constrained access roadway refers to a public infill street that is reduced in width to allow access between two or more existing structures or other physical obstructions (see Section 2.316.10).~~ (01/02)

Construct [Sign]: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

Conveyance [Flood]: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second. (5/98)

Corner Lot: See "Lot, Corner." (5/98)

Council: The City Council of Keizer, Oregon. (5/98)

Cottage Cluster Development: A flexible development alternative similar to the planned unit development alternative whereby many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features. Successful cottage cluster development projects can foster community and ensure a balance between privacy, security and neighborhood interactions through careful design considerations. (06/14)

Critical Feature [Flood]: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. (5/98)

Cultural Resource Inventory [Historical]: Historical buildings or sites placed on the historical resource inventory. (5/98)

Day Care Facility: An establishment or place, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians. (5/98)

Decision: The formal act by which the Community Development Director, Hearings Officer, Planning Commission or City Council makes its final disposition of a land use action. (5/98)

Demolish [Historical]: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic district. (5/98)

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Density: The number of dwellings units per gross acre. (5/98)

Develop: To construct or alter a structure; or, to make alterations or improvements to land for the purpose of enhancing its value. (5/98)

Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

Indirect Illumination [Sign]: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)

Infill Development:

Residential infill development is development at densities allowed under existing zoning on vacant, or partially used land. Infill development occurs on lands which may have been by-passed in the urbanization process or which may have a use that could be or has been removed. (01/02)

Infill Development Parcel:

Any parcel that meets the criteria for an infill development parcel specified in Section 2.316.03. (01/02)

Infill Street:

~~An infill street is a public street with a narrow right-of-way specifically designed to allow access to infill development parcels where a standard public street is not necessary or can not be provided given the shape and size of existing parcels. An infill street is intended to allow access to a limited number of dwelling units. (See Section 2.316.06A)~~
(01/02)

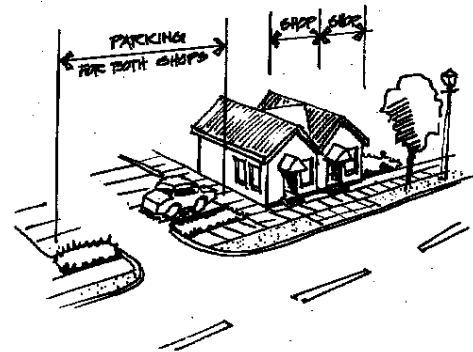


Figure 1 – Integrated Business Center - Small

Integrated Business Center [Sign]: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)

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Intensification [Greenway]: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of

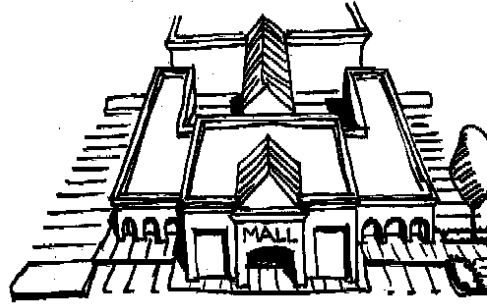


Figure 2 – Integrated Business Center - Large

2.102 SINGLE FAMILY RESIDENTIAL (RS)

2.102.01 Purpose

The purpose of the RS (Single Family Residential) zone is to allow development of single family homes on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan. (5/98)

2.102.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Ordinance, are permitted in the RS zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes.** (5/98)
- C. **Child day care** service, including family day care provider, for 12 or fewer children. (5/98)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home** for five or fewer children. (6/99)

2.102.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in this Ordinance and special development requirements, are permitted in the RS zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. **Transit Facilities** (Section 2.305). (Ordinance No. is 2009-586, 5/09)
- F. The following special uses subject to the applicable standards in Section 2.400. (5/98)

1. **Duplex** on a corner lot (Section 2.403). (5/98)
2. **Shared housing** Facilities (Section 2.403). (5/98)
3. **Zero side yard dwelling** units (Section 2.404). (5/98)
4. **Home occupations** (Section 2.407). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substation** (Section 2.426) (5/98)
11. **Wireless Telecommunication Facilities (Section 2.427)** (5/98)
12. **Manufactured home parks** (Section 2.405). (5/98)
13. **Public Water Supply** (Section 2.430) (06/10)

2.102.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit. Development of the site may also require compliance with development standards in Section 2.4. (5/98)

- A. **Elementary schools** (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreation facilities; and other public or semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Child daycare** services for 13 or more children. (5/98)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)
- F. **Use of a mobile home as a temporary hardship dwelling** (Section 2.406) (5/98)

G. **Child foster home** for six, seven or eight children, providing such home:

1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
2. Be located on a lot of no less than 16,000 square feet;
3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

H. **Transit Station** (Section 2.429). (5/09)

I. **Cottage Cluster Development** with or without the creation of any new lots (Section 2.432). (6/14)

2.102.05 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the RS Zone except for modifications permitted under Section 2.202, General Exceptions or as required in Section 2.4. (5/98)

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential Uses	Non-Residential Uses
Lot Size	4000 square feet (1)	(2)
Average Width	40 feet	None
Average Depth	70 feet	None
Maximum Height	35 feet	(3)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (3) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Residential Uses	Non-Residential Uses
Front (5)	10 feet	20 feet
Side	5 feet (1)	10 feet
Rear	(2)	20 feet
Street-side (3)	10 feet	20 feet
Garage Entrance (4)	20 feet	20 feet

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The*

centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

(5) The minimum front setback from an access easement shall be ten (10) feet. (01/02)

2.102.06 Development Standards

All development in the RS Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RS zone shall comply with the following standards: (5/98)
 - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. (5/98)

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- I. **Density:** When RS zoned property is subdivided the minimum density shall be 4 units per acre; the maximum density shall be 8 units per acre except in the RS zoned area north of Barnick Road where the maximum density shall be 6 units per acre with no minimum. (5/98)
- J. **Number of Buildings.** No more than one primary building shall be located on a lot or parcel. (5/98)

2.103 LIMITED DENSITY RESIDENTIAL (RL)

2.103.01 Purpose

The RL (LIMITED DENSITY RESIDENTIAL) zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. RL zones are located in areas designated Medium Density Residential, and, Medium and High Density Residential in the Comprehensive Plan and provided with urban services. RL zones will generally abut a collector or arterial street so that traffic is not required to travel through lower density residential neighborhoods. (01/02)

2.103.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance, are permitted in the RL zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Buildings with two or more dwelling units.** (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care** service, including family day care provider, for 12 or fewer children. (5/98)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children. (6/99)

2.103.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RL zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)

- E. The following special uses subject to the applicable standards in Section 2.4:
1. **Shared housing facilities** (Section 2.403). (5/98)
 2. **Zero side yard dwelling** units (Section 2.404). (5/98)
 3. **Home occupations** (Section 2.407). (5/98)
 4. **Residential sales offices** (Section 2.409). (5/98)
 5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 6. **House of Worship** (Section 2.423). (5/98)
 7. **Boat and RV storage** area (Section 2.411). (5/98)
 8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 9. **Recreational vehicle storage** space (Section 2.413). (5/98)
 10. **Electrical substations** (Section 2.426). (5/98)
 11. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
 12. **Manufactured home parks** (Section 2.405). (5/98)
 13. **Cottage Cluster Development** without the creation of any new lots (Section 2.432). (06/14)

2.103.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Child day-care services** for 13 or more children. (5/98)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)
- F. **Rooming and boarding houses** (702). (5/98)

G. **Water supply** (494). (5/98)

H. **Child foster home** for six, seven or eight children, providing such home:

1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
2. Be located on a lot of no less than 16,000 square feet;
3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

I. **Cottage Cluster Development with the creation of new lots** (Section 2.432). (6/14)

2.103.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4000 sq. ft. (1)(2)	7000 sq. ft.	10000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

- (1) Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)
- (2) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)
- (3) Multi-family development must comply with the density standard in Section 2.103.06.I. (5/98)
- (4) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (5) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non-Residential
Front	10 feet (5)	10 feet (5)	10 feet	20 feet
Side	5 feet (1)	5 feet (1)	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)

- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to property lines. (06/07)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- (5) *The minimum front setback from an access easement shall be ten (10) feet. (01/02)*

2.103.06 Development Standards

All development in the RL Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RL zone shall comply with the following standards: (5/98)
 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with four or more attached dwelling units, including Cottage Cluster Development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)

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- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%^(5/98)
- I. **Density:** Subdivisions and multi-family development within the RL zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
 - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. (5/98)

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.01 Purpose

The RM (MEDIUM DENSITY RESIDENTIAL) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.

(5/98)

2.104.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance, are permitted in the RM zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. **Buildings with two or more dwelling** units. (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care service**, including family day care provider, for 12 or fewer children. (5/98)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children.(6/99)

2.104.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)

- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. Transit Facilities (Section 2.305). (Ordinance No. is 2009-586, 5/09)
- F. The following special uses subject to the applicable standards in Section 2.4:
 - 1. **Shared housing facilities** (Section 2.403). (5/98)
 - 2. **Zero side yard dwelling units** (Section 2.404). (5/98)
 - 3. **Home occupations** (Section 2.407). (5/98)
 - 4. **Bed and breakfast** establishments (Section 2.408). (5/98)
 - 5. **Residential sales offices** (Section 2.409). (5/98)
 - 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 - 7. **House of Worship** (Section 2.423). (5/98)
 - 8. **Boat and RV storage** area (Section 2.411). (5/98)
 - 9. **Manufactured home parks** (Section 2.405). (5/98)
 - 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 - 11. **Accessory commercial uses** (Section 2.416). (5/98)
 - 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
 - 13. **Electrical substation** (Section 2.426). (5/98)
 - 14. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
 - 15. **Cottage Cluster Development** without the creation of any new lot (Section 2.432) (6/14)

2.104.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)

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- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Child day care** service for 13 or more children. (5/98)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, provided such home:
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
 - 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

- H. **Transit Station** (Section 2.429). (5/09)
- I. **Residential Care Facilities** for more than 15 residents or uses noted in SIC 805 (Nursing and Personal Care Facilities) (Section 2.431) (6/11)
- J. **Cottage Cluster Development** with the creation of new lots (Section 2.432). (6/14)

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4,000 sq. ft. (1)(2)	6,000 sq. ft.	9,000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

- (1) Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)
- (2) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)
- (3) Multi-family development must comply with the density standard in Section 2.104.06.I. (5/98)
- (4) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (5) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non- Residential
Front	10 feet (5)	10 feet (5)	10 feet	20 feet
Side	(1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)

- (2) The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines. (06/07)
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)
- (5) *The minimum front setback from an access easement shall be ten (10) feet.* (01/02)

2.104.06 Development Standards

All development in the RM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
 - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four or more attached dwelling units, including Cottage Cluster Development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)

- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
 - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre. (5/98)

2.107 MIXED USE (MU)

2.107.01 Purpose

The Mixed Use (MU) zone promotes development that combines differing uses (permitted or special permitted) in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (4/08)

The Mixed Use zone is intended to include a variety of uses identified in this section in relative close proximity to each other as compared to a traditional zone district in which differing uses are segregated. Vertical mixed use is a building in which significant amounts of differing uses are located in the same building with different uses on different floors. While mixed use development is primarily intended to consist of retail or other businesses on the ground floor with housing or office uses on upper stories it is not required that every building within a mixed use area is developed with different uses within it. Clusters of residential and commercial uses around landscaping features or parking areas will also occur. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. (4/08)

The Mixed Use zone is suitable for the Medium Density Residential, Medium-High Density Residential and Mixed Use Comprehensive Plan designations. (5/98)

2.107.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the MU zone:

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Child day care service**, including family day care provider. (5/98)
- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)

F. **Public or private utility substation**, but excluding electrical substation. (5/98)

G. **Landscape counseling and planning (078)**. (5/98)

H. **Transportation, Utilities and Communication**. (5/98)

1. **Travel agency (4722)**. (5/98)

2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)

3. **Public utility** structures and buildings. (5/98)

4. Transit Facilities (Section 2.305). (5/09)

I. **Retail Trade:**

Except as allowed under Section 2.107.05.B, the following retail uses shall be limited to buildings of 10,000 square feet or less:

1. **General merchandise stores (53)**. (04/08)

2. **Food stores (54)**. (04/08)

3. **Apparel and accessory stores (56)**. (04/08)

4. **Home furnishing, appliance and equipment stores (57)**. (04/08)

5. **Eating and drinking places (58)**. (04/08)

6. **Retail, (59) BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (04/08)

7. Uses listed in 2.107.02.I. **1a** through **7f** if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (04/08)

J. **Business, Professional and Social Services:** The following business and professional and service oriented uses are allowed:

1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67)**. (5/98)

2. **Hotels, motels and lodging facilities (701)**. (5/98)

3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial launders (7218). (5/98)

4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
 5. **Watch, clock and jewelry repair (763).** (5/98)
 6. **Recreational or athletic clubs.** (5/98)
 7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
 8. **Legal services (81).** (5/98)
 9. **Miscellaneous services (89).** (5/98)
 10. **Community or neighborhood clubs.** (5/98)
 11. **Parking lots.** (5/98)
 12. **Pet Grooming** (6/01)
- K. **Public administration (91 - 97).** (5/98)

2.107.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the MU zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities** (Section 2.403). (5/98)
 2. **Zero side yard dwelling** units (Section 2.404). (5/98)
 3. **Home occupations** (Section 2.407). (5/98)
 4. **Bed and breakfast** establishments (Section 2.408). (5/98)
 5. **Residential sales offices** (Section 2.409). (5/98)

6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage** area (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
12. **Cottage Cluster Development** without the creation of any new lots (Section 2.432). (6/14)

2.107.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (5/09)
- C. **Cottage Cluster Development** with the creation of new lots (Section 2.432). (6/14)

2.107.05 Use Restrictions

- A. The following uses are not permitted: (04/08)
 1. Farm Use. (5/98)
 2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
 3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (04/08)
 4. Camping or over-night in parking lots. (04/08)
- B. Retail uses as set forth in Section 2.107.02(I) are limited to buildings not exceeding 10,000square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (04/08)

1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (04/08)
2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (04/08)
3. In addition to the requirements in Section 2.315.~~06 08~~, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (04/08)
4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (04/08)
5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (04/08)
6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (04/08)
7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (04/08)
8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (04/08)

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- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (04/08)
- D. Larger Format Stores.
1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (04/08)
 2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (04/08)
 3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (04/08)
- E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (06/10)
- F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (04/08)
- G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (04/08)
1. Pedestrian Access, Safety and Comfort (04/08)

- a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (04/08)
 - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (04/08)
 - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (04/08)
 - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (04/08)
 - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (04/08)
 - f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)
2. Vehicular Movement (04/08)
 - a. Encourage traffic to enter and exit the development at locations in a safe manner. (04/08)
 3. Crime Prevention and Security (04/08)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (04/08)

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (04/08)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or

see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (04/08)

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (04/08)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (04/08)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)

4. Reduced Parking (04/08)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (04/08)

5. Creating and Protecting Public Spaces (04/08)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (04/08)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (04/08)

6. Human Scaled Building Design (04/08)

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (04/08)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)

In addition, the provisions within Section 3.113.05 apply.

2.107.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet(4)

(1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*

(2) *Multi-family development must comply with the density standard in Section 2.107.07.I (06/07)*

(3) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (06/07)*

(4) *Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. (04/08)*

B. Minimum Yard Setback Requirements

SETBACKS (5)	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet (7)	10 feet (1)	10 feet (1)	10 feet (1)
Side	5 feet (2)	10 feet	(4)	(4)
Rear	(3)	(3)	(4)	(4)
Street-side	10 feet	10 feet	10 feet	10 feet
Garage entrance (6)	20 feet	20 feet	20 feet	20 feet

- (1) *For all MU zoned property fronting Cherry Avenue south of Manbrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback. (5/98)*
- (2) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (3) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines. (06/07)*
- (4) *The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)*
- (5) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (6) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- (7) *The minimum front setback from an access easement shall be ten (10) feet. (01/02)*

2.107.07 Development Standards

All development in the MU Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
 - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four or more attached dwelling units¹ (including Cottage Cluster Developments), and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
 - 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	15%
Mixed commercial and residential development:	20%
Residential development:	25%

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- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

Commercial development:	85%
Mixed commercial and residential development:	80%
Residential development:	75%

- I. **Density:**

1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (12/03)

The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (05/98)

2.118 URBAN TRANSITION (UT)

2.118.01 Purpose

The UT (URBAN TRANSITION) zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The 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. (5/98)

2.118.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the UT zone:

- A. Lawful uses other than those listed in this Section 2.118.02 on a property at the time of the effective date of this zone except as provided in Section 2.118.03. (5/98)
- B. **Farm use.** (5/98)
- C. The propagation of **forest products.** (5/98)
- D. **Public and semi-public buildings and structures** rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines. (5/98)
- E. **A mobile home customarily provided in conjunction with farm use** subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes. (5/98)
- F. **A mobile home subject to an agreement** requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)
- G. **Nursery.** (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

2.118.03 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. Any permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation subject to meeting the criteria in Section 3.103.03. (5/98)

- B. Expansion or replacement of a use permitted under Section 2.118.02 subject to meeting the criteria in Section 3.103.03. (5/98)
- C. Commercial and industrial activities in conjunction with farm or forest use. (5/98)
- D. Use of a mobile home as a temporary hardship dwelling subject to Section 2.406. (5/98)
- E. Single family dwelling meeting criteria in Section 2.118.04 and Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)
- F. Child foster home for six, seven or eight children, providing such home:
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
 - 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

2.118.04 Conditional Use Criteria

Before a conditional use permit may be approved, it must be found that the following criteria applicable to the proposed use will be satisfied:

- A. The use will not increase traffic beyond the capacity of existing roads. (5/98)
- 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. (5/98)
- C. The use can utilize rural services or existing urban services, and will not individually or together with nearby uses increase pressure for installation of new urban services. (5/98)
- D. The use meets the development standards of the most restrictive zone in the zoning ordinance consistent with the Comprehensive Plan designation. (5/98)
- 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. (5/98)
- 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. (5/98)
- 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. (5/98)

2.118.05 Development Standards

The standards and regulations in this chapter and the additional standards and regulations referenced in the Development Code apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied. (5/98)

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply. (5/98)

2.118.06 Height

Within an UT zone, there is no height limit except a maximum of 35 feet for dwellings, and structures associated with special uses, and conditional uses. Buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height. Greater height may be requested and approved as a conditional use. (5/98)

2.118.07 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the UT Zone except for modifications permitted under Section 2.202, General Exceptions or as required in Section 2.4. (5/98)

A. Minimum Yard Setback Requirements

SETBACKS	Residential Uses	Non-Residential Uses
Front	10 feet (5)	20 feet
Side	5 feet (1)	10 feet
Rear	(2)	20 feet
Street-side (3)	10 feet	20 feet
Garage Entrance (4)	20 feet	20 feet

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*
- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- (5) *The minimum front setback from an access easement shall be ten (10) feet. (01/02)*

2.118.08 Other Development Standards

All development in the UT Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)

- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the UT zone shall comply with the following standards: (5/98)
- 1 Single family homes shall comply with the design standards in Section 2.314. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. (5/98)

2.118.09 Development Priorities and Growth Management

The City of Keizer Comprehensive Plan establishes priorities for the future expansion of public facilities and services to currently unserved areas in the City. These unserved areas are in an UT or EFU zone. The map shown on Figure 2.118-1 indicates three development priorities for the UT and EFU zoned areas in the City. Priority 1 areas are surrounded by or are immediately adjacent to areas where public sewer and water currently exists, where LIDs or other commitments for service extension are approved, and where new growth is likely during the next 10 years. Priority 2 areas have a medium priority for service extensions, and will likely experience new growth in 5 to 15 years. Priority 3 areas have a low priority for service extensions, and are not expected to experience growth for 10 to 20 years. The following development standards apply to these development priority areas. (5/98)

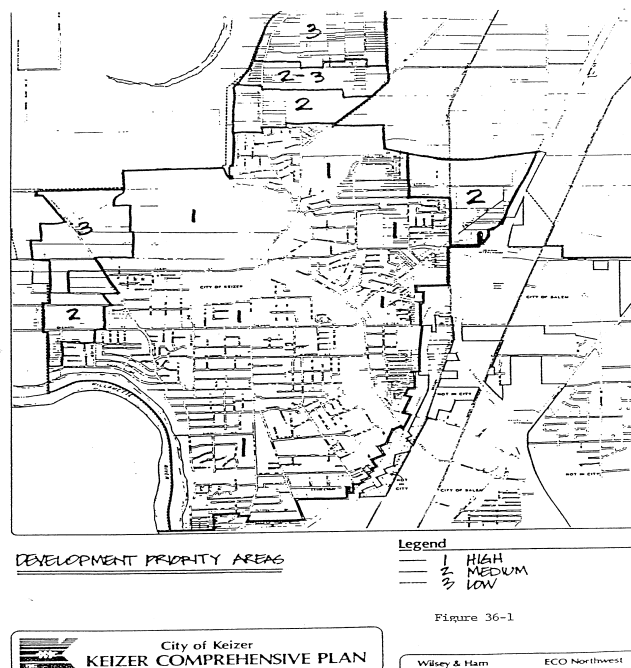


FIGURE EREF _Toc168113 \H 459
– UT Priority Areas – (Original in Comprehensive Plan)

2.118.10 Divisions of Land and Automatic Rezoning

- A. A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes, or the establishment of a mobile home park, may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Section 3.1, upon approval and recordation of the plat, or establishment of the mobile home park, the land included in the plat or park shall automatically be rezoned to the RS (SINGLE-FAMILY RESIDENTIAL) Zone. (5/98)
- B. Residential developments that are not allowable in the RS zone may only be considered as part of, or subsequent to, a change to a zone that allows the proposed development. (5/98)
- C. The following regulations shall apply when lot line adjustments and partitionings of land within the UT zone are proposed:
 - 1. Existing parcels with dwellings may be separated from the remaining property provided the dwelling parcel does not preclude future redevelopment of the remaining parcel to maximum densities allowed in the Comprehensive Plan designation, and any additional street right-of-way required by adopted standards is dedicated along the parcel's street frontage. In addition, the following minimum lot sizes apply for the parcel containing the dwelling: (5/98)
 - a. Served by both public sewer and water: 6,000 square feet. (5/98)
 - b. Lacking public sewer or water: 20,000 square feet. (5/98)
 - c. Lacking both public sewer and water: 1 acre in priority 1 and 2 development areas, 2 acres in priority 3 development areas. (5/98)
 - 2. Street and drainage improvements applicable to any parcel created under Subsection 1 shall be imposed at the time the remnant parcel is developed for urban use. (5/98)
 - 3. The location of parcel lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. A development plan may be required which indicates how the proposed division will not preclude future development at densities allowed in the Comprehensive Plan. (5/98)
 - 4. Partitioning of land creating an undeveloped parcel of less than 5 acres in area shall not be allowed in Priority 2 and 3 areas. Minimum lot dimension standards in Priority 2 and 3 areas are: (5/98)

- a. The property shall have no dimension less than 100 feet. (5/98)
- b. The property shall have not less than 100 feet of frontage on a dedicated street that shall have a right-of-way width of not less than 40 feet. (5/98)

2.118.11 Requirements for On-Site Sewage Disposal Permits

The following conditions shall be met prior to the approval of an on-site sewage disposal system permit in conjunction with other criteria when applicable:

- A. The property shall not lie within the boundary of a sewer service district as it was drawn prior to the inclusion within the City limits or within the boundary of an improvement district for sewer services that has been proposed by the City. (5/98)
- B. The property must lie more than 300 feet in a straight line from an existing sewer line which can be extended to the property to provide gravity sewer service. (5/98)
- C. The property shall not be serviced by a city or district water system. (5/98)
- D. The property owner shall sign a non-remonstrance agreement for future sewer service by the City. (5/98)
- E. The property shall have no dimension less than 100 feet. (5/98)
- F. The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way of not less than 40 feet. (5/98)
- G. Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system. (5/98)
- H. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the building. (5/98)

2.129 CHEMAWA INTERCHANGE OVERLAY ZONE (CIO)

2.129.01 Purpose

The purpose of the Chemawa Interchange Overlay Zone (CIO) is the long-range preservation of operational efficiency and safety of the Chemawa/I-5 Interchange and to implement the Chemawa/I-5 Interchange Area Management Plan (IAMP). The Chemawa/I-5 Interchange is located at the east end of Keizer and the northern edge of Salem. The interchange serves a wide range of land uses and a very large geographic area. These land uses are primarily residential, commercial, educational services, and agricultural. Access to traveler services and industrial uses are not primary functions of the interchange. (6/14)

The Chemawa Interchange is the primary access to I-5 for the City of Keizer and its predominantly residential land uses as well as Keizer Station, a developing commercial area that is located in the northwest and southwest quadrants of the interchange. The Chemawa Indian School, in the southeast quadrant of the interchange, outside the city limits of Keizer is a large educational use in the interchange area and will likely continue to grow on its existing site. The area northeast of the interchange includes land within Salem city limits, which is planned to be developed as a “gateway” business park with supportive commercial services. Land on the east side of the interchange also includes county-zoned agricultural parcels. (6/14)

2.129.02 Boundary of the CIO

The boundary of the CIO Zone is shown on the Keizer Comprehensive Land Use Plan Map and Zoning Map. (6/14)

2.129.03 Applicability

The provisions of this section shall apply to all Type II, III, and IV land use applications pursuant to Section 3.101 for parcels wholly or partially within the CIO zone, as defined by Section 2.129.02. The standards of the CIO Zone shall supersede where conflicts arise between the standards of the CIO Zone and those contained within other sections of the Keizer Development Code. Applications under this section which are subject to the CIO zone are herein referred to as “Subject Applications”. (6/14)

2.129.04 Permitted Land Uses

Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Development Code and Chapter 2, Zoning Districts. (6/14)

2.129.05 Access Management

In addition to the standards and requirements of Sections 2.302 (Street Standards), and 2.303 (Off Street Parking and Loading), Subject Applications are governed by the Access Management Plan in the Chemawa/I-5 IAMP (Section 5.3). The following applies to Subject Applications that are governed by Section 2.302.03. ~~Q~~ **N** (Street Standards, General Provisions, Access Control Standards). (6/14)

A. Access Approval (6/14)

1. Access to local streets that are subject to Section 2.129.06(B) shall be subject to joint review by the City and the Oregon Department of Transportation (ODOT) and, where applicable, by Marion County. Coordination of this review will occur pursuant to Section 2.129.06. (6/14)
2. Approval of a driveway permit shall be subject to the standards contained in this section, the provisions of Section 2.302, Street Standards, and Section 2.303 (Off Street Parking and Loading) in the Keizer Development Code, and the Access Management Plan in the Chemawa/I-5 IAMP (Section 5.3). Where the recommendations of the Access Management Plan conflict with other access and spacing requirements in Section 2.301 (Street Standards), the Access Management Plan shall govern. (6/14)

2.129.06 Administration

This section delineates the responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation on the Chemawa Interchange from development approval under this section. (6/14)

A. Transportation Assessment Report (6/14)

For all Subject Applications, the applicant shall prepare and submit to the City a Transportation Assessment Report that documents the following: (6/14)

1. Expected weekday p.m. peak hour trip generation. (6/14)
2. Off-site improvements that will be constructed as part of the development. (6/14)
3. Proposed site-access driveways and streets that are in conformance with the requirements of Section 2.302 (Street Standards), Section 2.303 (Off Street Parking and Loading), and the IAMP Access Management Plan (Section 5.3) to ensure that adequate intersection sight distance and traffic control will be provided. (6/14)
4. An on-site parking and circulation plan to ensure safe and efficient travel for all modes of travel, including turn movement templates (e.g.; AutoTurn analysis) for anticipated trucks and emergency service vehicles. (6/14)

B. Traffic Impact Analysis (6/14)

For all land use applications located within the CIO Zone that increase site traffic volume generation by 250 Average Daily Trips (ADT) or more above the level shown in the the most recent City-approved Keizer Station TIA , the applicant shall prepare and submit to the City a Traffic Impact Analysis (TIA) that demonstrates the level of impact of the proposed development on the surrounding street system and the Chemawa/I-5

interchange and prepared pursuant to the requirements in Section 2.301.04 Traffic Impact Analysis (TIA). (6/14)

The determination of impact or effect, and the scope of the TIA, shall be jointly determined by the City and the jurisdiction responsible for the affected transportation facility. The developer shall be required to mitigate impacts attributable to the project, including any impacts that may occur outside of the CIO Zone. Such mitigation requirements shall be binding conditions of approval. (6/14)

C. Agency Coordination (6/14)

1. The City shall not deem the land use application complete unless it includes a Traffic Assessment Report or, if required by Section 2.129.06.B, a Transportation Impact Analysis prepared in accordance with the requirements of this Section. (6/14)
2. The City shall provide written notification to ODOT no later than ten (10) days after the application is deemed complete. This notice shall include an invitation to ODOT, City of Salem, and Marion County to participate in the City's site team review meeting, pursuant to Section 3.210, Pre-Application Conference. (6/14)
3. The City shall also provide written notification to the transit agency and other public or quasi-public agencies that serve the CIO Zone no later than ten (10) days after the application is deemed complete. (6/14)
4. ODOT shall have at least 20 days, measured from the date completion notice was mailed, to provide written comments to the City. If ODOT does not provide written comments during this 20-day period, the City staff report will be issued without consideration of ODOT comments. (6/14)

2.129.07 Comprehensive Plan and Zoning Map and Text Amendments

This section applies to all Comprehensive Plan Map and Zoning Map amendments for parcels wholly or partially within the CIO Zone and code amendments that affect development within the CIO Zone. (6/14)

- A. Transportation Planning Rule Requirements. Applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must meet the requirements of Oregon Administrative Rule (OAR) 660-012-0060. (6/14)
- B. Limitations on Comprehensive Plan and Zoning Map and Text Amendments. To improve safety and ensure that the capacity of the Chemawa/I-5 Interchange is reserved for residential, commercial, and educational service uses surrounding the interchange, consistent with the principal function of the facility, legislative amendments that allow land uses that will generate traffic in excess of the number of trips generated by SKATS modeling conducted for the IAMP are prohibited unless part of a legislative update of the

IAMP, pursuant to the provisions of the IAMP and Subsection 2.129.08. In such case, prior to adoption of such legislative amendment, the City shall request IAMP Review and Update pursuant to Section 2.129.08. (6/14)

- C. IAMP Review and Update. Comprehensive Land Use Plan Map or Zoning Map amendments proposed for land within the CIO Zone that have a “significant affect” on the transportation system and/or Chemawa/I-5 Interchange, pursuant to Section -0060 of the Transportation Planning Rule, will trigger a review of the IAMP in accordance with the provisions of the IAMP. (6/14)

2.129.08 Interchange Area Management Plan Update

- A. IAMP Updates. (6/14)

1. If the findings and conclusions from an IAMP review demonstrate the need for an update to the plan, review participants will initiate an IAMP update process pursuant to the provisions of the IAMP. (6/14)
2. An updated IAMP that results from a Comprehensive Plan Map amendment, pursuant to Section 2.129.07, shall require legislatively adopted amendments to the City of Keizer Transportation System Plan, Comprehensive Plan, and/or Development Code necessary to maintain consistency with the updated IAMP. The updated IAMP will subsequently be adopted by the Oregon Transportation Commission (OTC) as an update to the Oregon Highway Plan. (6/14)
3. If a proposed land use change would result in the need for additional capacity at the interchange, the initiating party also shall prepare a mitigation funding plan for ODOT and local jurisdiction review as part of an update to the IAMP. (6/14)

2.302 STREET STANDARDS

2.302.01 Purpose

- A. Safety. To provide for safe, efficient, and convenient vehicular movement in the City of Keizer. (5/98)
- B. Access. To provide adequate access to all proposed developments in the City of Keizer. (5/98)
- C. Public Facility Access. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way. (5/98)

2.302.02 Scope

The provisions of this Section shall be applicable for the following: (5/98)

- A. Land Divisions. The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City. (05/98)
- B. Street Expansion. The extension or widening of existing public or private streets or rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals. (10/02)
- C. Utility Improvements. The construction or modification of any utilities or sidewalks in public rights-of-way, existing private street, or private access easements. (10/02)
- D. Street Trees. The planting of any street trees or other landscape materials in public rights-of-way. (5/98)
- E. Exceptions. Provisions of this Section do not apply in existing developed areas of the City. Improvements in these areas shall be based on standards adopted by the Department of Public Works. (5/98)
- F. Private Streets. Private streets and improvements on private streets are allowed only in the following situations:
 - 1. Improvements and/or widening of existing and allowed private streets.
 - 2. Creation of new private streets within an existing subdivision or PUD already containing approved private streets.
 - 3. Creation of new private streets in a proposed subdivision, PUD, or partition if the only access to the proposed subdivision, PUD, or partition is via existing and approved private streets. (10/02)

2.302.03 General Provisions

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Keizer: (5/98)

- A. General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. (5/98)
- B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. (01/02)

No street or utility extensions are required when any of the following circumstances exist: (01/02)

- 1. Less than three additional existing or future lots on adjoining parcels would gain access from the extension. For purposes of this criterion, the size of said future lots shall be no greater than two times the minimum lot size of the zone. (01/02)
- 2. Parcel shape or size prevents new lots from meeting lot width or depth standards when a public street ~~or infill street~~ is proposed through the parcel. (01/02)
- 3. Partial-width streets where adjoining development would provide a full-width public street ~~or infill street~~; does not eliminate the need for variances to lot depth or width requirements. (01/02)
- 4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable. (01/02)
- 5. Providing access and connectivity to one or more adjoining parcel(s) would not be useful given that at least one of the following conditions exist: (01/02)
 - a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s). (01/02)

- b. The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable. (01/02)
- C. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet. (5/98)
- D. Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition. (5/98)
- E. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet. (5/98)
- F. Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development. (5/98)
- G. Half-Streets. Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a $\frac{3}{4}$ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement. (5/98)
- H. Cul-de-sacs. The maximum length shall be 800 feet. (5/98)
- I. Street Names. Street names and numbers shall conform to the established standards and procedures in the City. (5/98)

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- J. Grades and Curves. Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves. (5/98)
- K. Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street. (5/98)
- L. Alleys. Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet. (5/98)
- M. Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards: (5/98)
1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property. (5/98)
 2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip. (5/98)
- ~~N. Infill Streets. For streets serving infill development as defined under Section 2.316.03, the Infill Street and Access Easement Standards of Section 2.316.06 may be applied. (01/02)~~
- N.O. Access Control Standards. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the City of Keizer Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed,

these roadways will be unable to accommodate the needs of development and serve their transportation function. (07/09)

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land. (07/09)

1. Traffic Impact Analysis Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 2.301.03 Traffic Impact Analysis.) (07/09)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street. (07/09)
3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required; planned access shall be consistent with adopted public works standards for road construction). These methods are “options” to the developer/subdivider. (07/09)
 - a. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted. (07/09)
 - b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. (07/09)
 - c. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection 6, below. (07/09)
4. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When

alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes). (07/09)

5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. (07/09)
6. Access Spacing: The following minimum access spacing standards apply to public streets and driveways on arterial streets: (07/09)

Arterial Access Spacing Standards

Posted Speed (miles per hour)	Minimum Spacing (feet)
25	150
30	150
35	150
40	185
45	230
50 or higher	275

7. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Subsection 6, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection 8 below, in order to maintain the required access spacing, and minimize the number of access points. (07/09)
8. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared

driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards: (07/09)

- a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential). (07/09)
 - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval. (07/09)
 - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future. (07/09)
9. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards: (07/09)
- Block Length. The maximum block length shall be consistent with 2.310.04 Additional Design Standards for Subdivisions. (07/09)
- Street Standards. Public and private streets shall also conform to Section 2.302 Street Standards in the City of Keizer Development Code (Table 4.1 Street Design Standards in the TSP). (07/09)
- Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of 2.310.04(C)(2). (07/09)
10. Pedestrian/Bicycle Accessways. Accessways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. (07/09)

11. Street lights. Street lights shall be required for public streets serving more than four dwelling units. Street lights shall be located within a right of way or in utility easements. Street lights are not required along private access easements. Street lights shall be designed to direct the light down toward the street and sidewalk and as much as practicable away from adjoining homes. (01/02)

O. Trees Along Public Streets

Streetscape trees are required along public streets, shall comply with the provisions of Section 2.309, and must be located according to the following provisions: (01/02)

1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of street improvements.
2. Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees.
3. Streetscape trees shall be selected from a list of approved trees.

2.302.04 General Right-of-Way and Improvement Widths

The following standards are general criteria for public streets in the City of Keizer. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.202.05. (5/98)

The street design standards show five different options for local streets. These standards allow the City flexibility in the design of the street network. (7/09)

Table 4.1 Street Design Standards (07/09)

Functional Classification ¹	Number of Lanes	Parking	Bike Lanes ²	Roadway Width (ft) ³	Sidewalks	Right-of-Way Width (ft) ^{4,5}	Maximum Dwelling Units Served
Major Arterial	5	No ⁶	Yes	50-72	Yes	84	-
Minor Arterial	3	No ⁶	Yes	36-50	Yes	72	-
Collector 2		No ⁶	Yes	36-50	Yes	68	-
Local V	2	Yes	No	34	Yes	48	-
Local IV	2	Yes	No	32	Yes	46	79
Local III	2	Yes	No	30	Yes	44	19
Local II	2	Yes	No	30	Yes	42	14
Local I	2	Yes ⁷	No	28	Yes ⁷	35	9

2.302.05 Modification of Right-of-Way and Improvement Width

The City, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied: (5/98)

A. Modification Permitted. The modification is necessary to provide design flexibility where: (5/98)

1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or

¹ All local street Categories have a ten-foot public utility easement on both sides and a five-foot slope and utility easement on collectors and arterials.

² Standard bike lane widths are six feet; although five feet may be approved on a case-by-case basis.

³ Street improvements and right-of-way widths may be increased on a case-by-case basis as required by the City in accordance with Public Works Design Standards

⁴ All Street will have five-foot wide sidewalks on both sides, unless noted. Meandering sidewalks may be considered/required on arterials and collectors.

⁵ Additional right-of-way may be required at intersections for additional turning lanes. Right-of-way at intersections is required to provide for a minimum 20-foot curb return radius.

⁶ Depending on installed improvements

⁷ Parking/sidewalks only required on one side of street

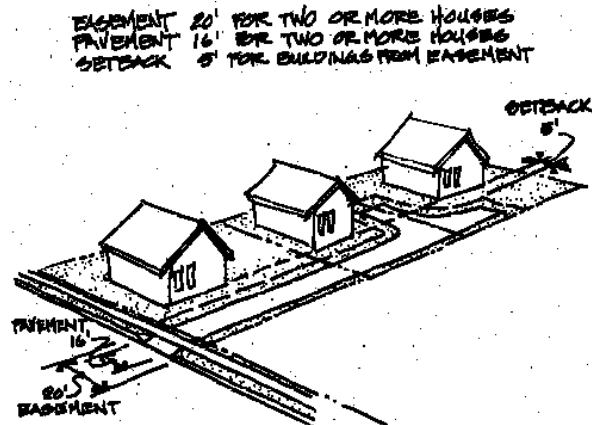
2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or
 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 4. The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development. (5/98)
- B. Vehicular Access Maintained. Modification of the standards of Section 2.302.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. (5/98)

2.302.06 Construction Specifications

Construction specifications for all public and private streets shall comply with the standards of the most recently adopted public works/street standards of the City of Keizer. Construction permits are required by the Public Works Department. (10/02)

2.302.07 Improvement Width for Private Streets (If allowed in Section 2.302.02F)

Private streets may be constructed to the same or greater width of the existing connecting private street. (10/02)



Easement Standards

2.302.08 Private Access Easements

A private access easement created as the result of an approved partitioning or subdivision shall conform to the following: (5/98)

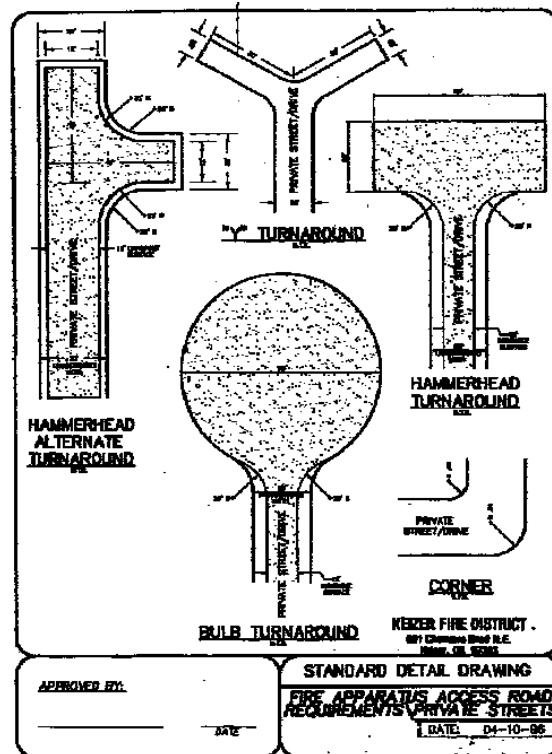
- A. Width. Private access easements shall only be allowed where the applicable criteria of Section 2.310.03.D. are satisfied. The easement shall comply with the following standards: (5/98)
1. Minimum width: 14 feet for 1 dwelling unit; 20 feet for two or more dwelling units with no on-street parking within the minimum required width. (5/98)
 2. Minimum paved width: 12 feet for 1 dwelling unit; 16 feet for two or more dwelling units. (5/98)
 3. Maximum length: 300 feet

4. No more than 4 dwelling units shall have their sole access to the easement
- B. Maintenance. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. (5/98)

- C. Turn-around. A turn-around shall be required for any access easement which is the sole access and which ~~is in excess of 150 feet long or which~~ serves two or more residences. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet. (5/98)

D. Parking

1. Fire Lanes. All private access easements serving as the sole access for two or more residences shall be designated as fire lanes and shall display "No Parking" signs approved by the Fire District unless additional paved width is provided. (5/98)
2. For all private access easements serving more than 2 dwelling units, one parking space per dwelling unit, in addition to those required by 2.303, shall be provided ~~adjacent to the easement or~~ on each individual property. If the parking is parallel to and adjacent to the easement, its area shall be included within the maintenance agreement for the easement. (5/98)



Approved Turn Around Designs

E. Trees Along Access Easements

Streetscape trees are required along access easements, shall comply with the provisions of Section 2.309, and must be located according to the following provisions: (01/02)

1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of access improvements.

2. Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees.

3. Streetscape trees shall be selected from a list of approved trees.

F. Screening

A 6 foot high sight obscuring fence, wall, or hedge shall be placed along the exterior side of an access easement to provide screening to any adjacent properties.

2.303 OFF-STREET PARKING AND LOADING

2.303.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Keizer. (5/98)

2.303.02 Scope

The provisions of this Section shall apply to the following types of development: (5/98)

- A. New Building. Any new building or structure erected after the effective date of this Ordinance. (5/98)
- B. Expansion. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure. (5/98)
- C. Change in Use. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section. (5/98)

2.303.03 General Provisions Off-Street Parking and Loading

- A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. (5/98)
- B. Additional Parking Required Prior to Occupancy. Should the owner or occupant of any lot or building change the use to which the lot or building is used, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed. (07/06)
- C. Interpretation by Administrator. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. The Zoning Administrator shall have the authority to make adjustments based on parking demand analysis prepared by an applicant. (07/06)
- D. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.303.05. (5/98)

- E. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials including solid waste collection containers. Garages for single family and duplex dwelling units shall not be counted in determining required parking spaces. (5/98)

2.303.04 Location and Use Provisions

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that: (5/98)

- A. Residential Zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded. (07/06) Tandem parking (stacking two cars end to end in a private drive way) shall be an acceptable method of meeting parking requirements. (01/02)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the use if it is within 500 feet of such site and a parking agreement is recorded. (07/06)
- C. Accessory Parking Use, Non-residential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in non-residential zones. (07/06)
- D. Accessory Parking Use, Residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided: (5/98)
1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)
 2. Vehicles parked outdoors in a residential zone may be parked in a space within the front yard meeting the requirements for required parking in this Section. In the RS zone no more than four total vehicles shall be parked outdoors on a property. (07/06)
 3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided it complies with the provisions in Section 2.407.G. (12/11)
 4. A parking plan must be approved for all development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots. (01/02)

- E. Yard Parking Restrictions. Exclusive of driveways, no parking vehicles, trailers, boats or recreational vehicles shall be allowed placed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles, boats, trailers, or recreational vehicles unless otherwise prohibited by this Ordinance. (07/06)
- F. Storage Restrictions. The yard areas adjacent to a street, other than driveways, shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles, unless the storage area is screened by a six foot sight-obscuring fence, wall, or hedge. The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (07/06)

2.303.05 Joint Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to Zoning Administrator's approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. (07/06)

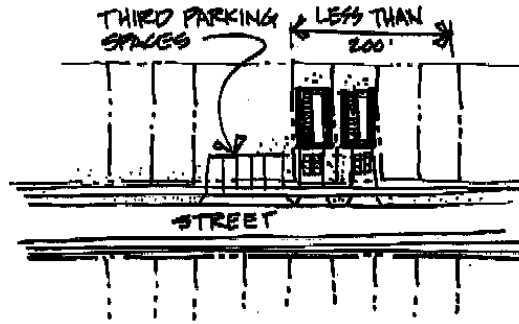
2.303.06 Off-Street Automobile Parking Requirements

Off-street parking shall be provided in the amount not less than listed below. (5/98)

A. Parking Requirements

LAND USE ACTIVITY	SPACES	HOW MEASURED*
Single Family and Duplex	2	2 per dwelling unit
<u>Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot shall provide three on-site parking spaces.</u>	<u>3</u>	<u>Per dwelling unit</u>
All other dwelling types	2	Per dwelling unit
Hotel, motel	1	Per guest room
Club, lodge		Combination of heaviest uses being conducted: hotel, restaurant, etc.
Hospital	1	Per 2 beds

Nursing home, convalescent home	1	Per 3 beds
Health service, medical or doctor's office	1	Per 350 square feet
House of worship, auditorium, stadium, theater	1	Per 4 seats or every 8 feet of bench length
Elementary, middle school	2 +1	Per classroom + per 350 sq ft of administrative office
High school	1 + 1 + 1	Per classroom + per 10 students + per 350 sq ft of administrative office
Bowling alley, skating rink, community center, recreation facility	1	Per 200 square feet
Golf Course	4	Per green
Theater for movies or plays	1	Per 3 seats
Tennis courts, racquetball courts	2	Per court
Retail store	1	Per 300 square feet
Service repair center; retail store handling bulky merchandise (e.g. furniture, home furnishing, major equipment)	1	Per 900 square feet
Bank	1	Per 250 square feet
Office used for real estate, lawyer, insurance brokers	1	Per 500 square feet
General Office	1	Per 300 square feet
Eating and drinking establishment	1	Per 125 square feet
Wholesale establishment	1	Per 2,000 square feet
Government offices open to the public	1	Per 500 square feet
Industrial, manufacturing, processing (0 - 24,999 sf)	1	Per 1,000 square feet
Industrial, manufacturing, processing (25,000 - 49,999 sf)	1	Per 1,000 square feet



3rd Parking Space in Parking Bay

Industrial, manufacturing, processing (50,000 - 79,999 sf)	1	Per 1,000 square feet
Industrial, manufacturing, processing (80,000 - 199,999 sf)	1	Per 2,000 square feet
Industrial, manufacturing, processing (200,000 sf and over)	1	Per 3,000 square feet
Warehousing and storage terminals 0 - 49,999 sf	1	Per 2,000 square feet
Warehousing and storage terminals 50,000 sf and over	1	Per 5,000 square feet

*Square footage = Gross floor area. (07/06)

B. Parking Reduction

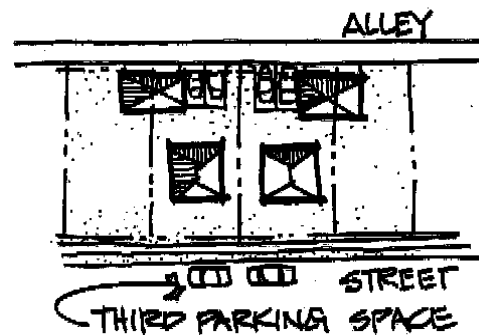
The number of minimum required parking spaces may be reduced by up to 10% if transit related amenities such as transit stops, pull-outs, shelters, park and ride lots, transit oriented developments and is when abutting a street with transit service are provided. (07/06)

C. Parking Increase

The number of minimum required parking spaces shall not be increased by more than 50%. (5/98)

2.303.07 Standards for Disabled Person Parking Spaces

Disabled Person Parking Spaces shall comply with the requirements of the Uniform Building Code and ODOT standards. (5/98)

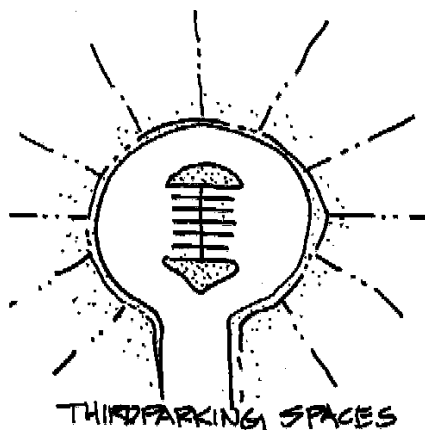


3rd Parking Space on Alley

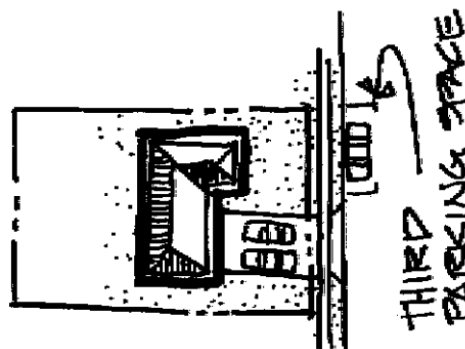
ALL

2.303.08 Bicycle Parking

- A Bicycle Parking Required. Bicycle Parking shall be required in all public and semi-public, commercial and industrial development as well as park-and-ride lots. Bicycle parking shall be provided in the following amounts:
(5/98)



3rd Parking Space in Cul-De-Sac

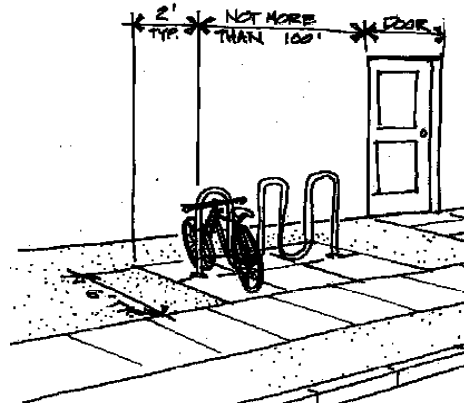


3RD PARK SPACE PROVIDED ON-STREET

LAND USE ACTIVITY	BICYCLE SPACES	HOW MEASURED
Multi-family apartments with 4 or more units	1	Per 2 units
Hotel, motel	1	Per 40 guest rooms
Hospital, nursing home, convalescent home	1	Per 50 beds
House of worship, auditorium, stadium, theater	1	Per 20 required vehicle parking spaces
Elementary school	1	Per classroom with a maximum of 10 required
Middle school	1	Per classroom with a maximum of 10 required
High school	1	Per classroom with a maximum of 10 required
Bowling center, skating rink, community center	1	Per 40 required vehicle parking spaces with a maximum of 6 required
Retail store	1	Per 10 required vehicle parking spaces with a maximum of 6 required
Service repair center; retail store handling bulky merchandise (e.g. furniture)	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Bank, offices, medical clinic, government offices	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Eating and drinking establishment	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Wholesale establishment	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Industrial, manufacturing, processing	1	Per 30 required vehicle parking spaces
Warehousing and storage terminals	1	Per 30 required vehicle parking spaces

B. Bicycle Parking Development Requirements

1. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle. (5/98)
2. Location. All bicycle parking areas shall be within 50 feet of a building entrance and located within a well-lit area. (07/06)
3. Rack Design. Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. (5/98)
4. Access. Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)



Bicycle Parking Standards

C. Exemptions

The following uses are exempt from the bicycle parking requirements:
(5/98)

1. Seasonal or temporary businesses. (5/98)
2. Drive-in theaters
3. Self-storage facilities
4. Automobile oriented businesses such as automobile service stations, automobile repair shops, restaurants without seating facilities (either indoors or outdoors), or oil and lubrication services, but excluding automobile retail businesses such as dealers or auto parts stores. (5/98)

2.303.09 Carpool and Vanpool Parking

New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created. (5/98)

2.303.10 Off-Street Loading Requirements

Off-street loading space shall be provided as listed below: (5/98)

- A. Commercial Office. Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts: for buildings over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)
- B. Commercial and Industrial. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)

2.303.11 Parking and Loading Area Development Requirements

All Parking and loading areas shall be developed and maintained as follows:

- A. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface built to Department of Public Works standards. (5/98)
- B. Parking Spaces
 - 1. Dimensions. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.
 - 2. Compact Spaces. Compact parking spaces, at a reduced width of 8.5 feet, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space."
- C. Aisle

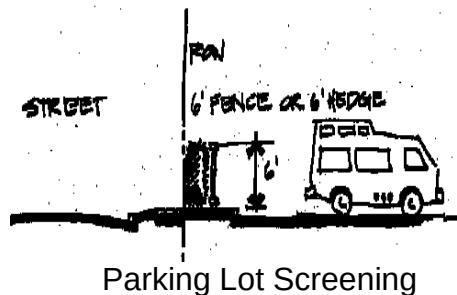
The following minimum aisle dimensions shall apply: (5/98)

1. Without adjacent parking:
 - a. Single family residence: 12 feet
 - b. One-way: 12 feet
 - c. Two-way: 22 feet
2. With adjacent parking: (5/98)

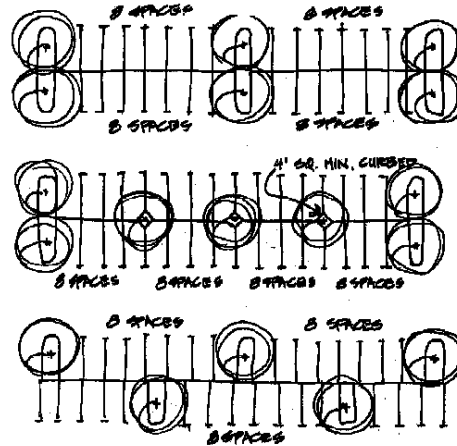
PARKING ANGLE	AISLE WIDTH
0 to 40	14 feet
41 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

- D. Screening. When any parking or loading area abuts a residential zone, the parking or loading area shall be screened or buffered as is required in Section 2.309.05. (07/06)

- E. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way. (5/98)



- F. Landscaping. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building. The planting space shall measure no less than 4 feet square and be surrounded by concrete curbing. The plant shall be of a species that the root system will not interfere with underground utilities or the parking surface, and, is capable of achieving a 15 foot radius. (07/06)



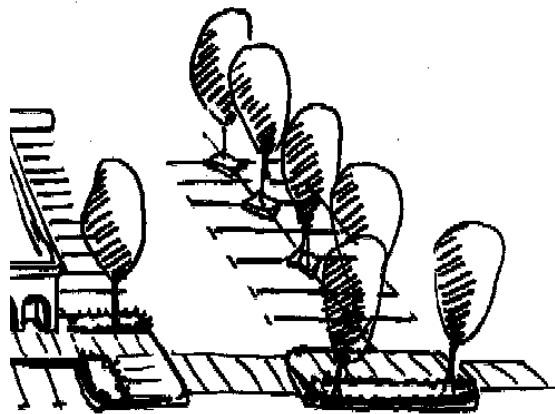
Parking Lot Tree Siting Alternatives

- G. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)

- H. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)

- I. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. (5/98)

- J. Existing development may redevelop a portion of existing parking areas in order to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations. The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use. (07/09)



Parking Lot Landscaping

2.310 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.310.01 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Keizer. (5/98)

2.310.02 Scope

- A. Application. The provisions of this Section shall apply to all subdivisions and partitions within the City of Keizer. (5/98)
- B. Modification. The design standards in this Section may be modified, provided, findings are established which indicate compliance with these standards is infeasible due to parcel shape, terrain, or location of existing structures. (5/98)

2.310.03 Standards for Lots or Parcels, Lot Line Adjustment Required

- A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. (5/98)
- B. Lot Line Adjustment. Any adjustment of a lot line between two adjacent parcels shall require approval of a Lot Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2. (07/07)
- C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions: (5/98)
 - 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet of semi-private outdoor living space for each unit. (5/98)
 - 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width. (5/98)
 - 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions. (5/98)
- D. Access. All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply: (5/98)

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1. Residential lots or parcels, including townhouse developments and Planned Unit Developments, may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08. (10/02)
 2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards: (5/98)
 - a. Internal local streets or drives may be private if allowed in Section 2.302.02F and shall be subject to the provisions of Section 2.302. (10/02)
 - b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.302. Collector or arterial streets may be determined either by design or anticipated traffic volumes. (5/98)
 - c. Local streets that are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202. (5/98)
 3. Cul-de-sac lots shall have a minimum frontage of 25 feet. (5/98)
 4. Flag lots, as permitted in Subsection 2.310.03, E. (5/98)
- E. Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met: (5/98)
1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. (5/98)
 2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance. (5/98)
- F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major streets, adjacent non-residential activities, or to overcome specific development

constraints due to topography or lot orientation. Through lots shall be no less than 100 feet in depth. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request. (06/07)

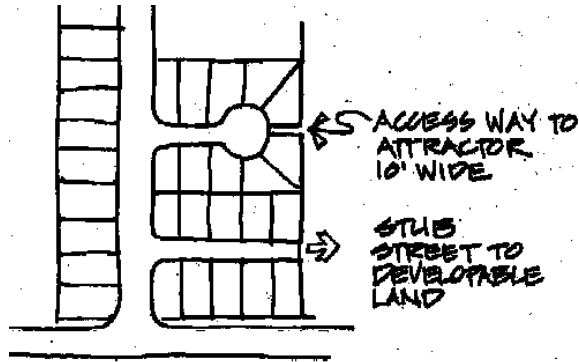
- G. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line. (5/98)
- H. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code. (5/98)

2.310.04 Additional Design Standards for Subdivisions

- A. Standards for Blocks
1. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography. (5/98)
 2. Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet. (5/98)
- B. Traffic Circulation. The proposed subdivision shall be laid out to provide safe and, convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within 1/4 mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists. (5/98)
- C. Connectivity. To achieve the objective in B., above, the Director may require the following: (5/98)

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1. Stub Streets: Where the potential exists for additional residential development on adjacent property. (5/98)
2. Pedestrian/Bicycle Accessways: Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system. (5/98)



Criteria for – Connectivity Standard
Examples

- D. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards: (5/98)
1. Minimum dedicated width: 10 feet
 2. Minimum improved width: 10 feet
 3. Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required. (5/98)
 4. Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision. (5/98)
 5. The accessway shall be designed to prohibit vehicle traffic. (5/98)

2.310.05 Improvement Requirements - Partitions

During the review of partition proposals, the City shall require, as a condition of approval, the following improvements: (5/98)

- A. Private Access. Private driveways serving flag lots, or private streets and access easements, shall be surfaced per the requirements of this Code. (10/02)

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- B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 ~~and 2.316~~ only if sidewalks currently exist along the connecting street. (10/02)
- C. Street Frontage Improvements. The following improvements shall be required: (5/98)
1. If the street frontage of the subject property is less than or equal to 100 feet, and not along a collector or arterial street the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. (07/07)
 2. If the street frontage of the subject property exceeds 100 feet or is located along a collector or arterial street, or extends an existing dedicated right-of-way, the applicant shall improve the following unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements: (07/07)
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities. (5/98)
 - b. Sidewalks, meeting City standards, along public street frontage. (5/98)
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street. (5/98)
- D. Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. (5/98)

2.310.06 Improvement Requirements - Subdivisions

The following improvements shall be required for all subdivisions in the City of Keizer: (5/98)

- A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood. (5/98)
- B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 ~~and 2.316~~ only if sidewalks currently exist along the connecting street. (10/02)
- C. Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302. (5/98)
- D. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. (5/98)
- E. Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure. (5/98)
- F. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property. (5/98)
- G. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. (5/98)

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If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction and to provide for appropriate reimbursements of costs above those directly attributable to the subdivision. (5/98)

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction. (5/98)

- H. Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size. (5/98)
- I Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred. (5/98)
- J. Street Lights. The installation of street lights is required at locations and of a type required by City standards. (5/98)
- K. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits. (5/98)

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- L. Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works. (5/98)
- M. Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards. (5/98)
- N. Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M). (5/98)
- O. Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered. (5/98)
- P. Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. (5/98)

2.310.07 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure: (5/98)



Figure s PAGEREF
_Toc168104 \h – Street Tree
Plantings

- A. Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City. (5/98)
- B. Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified. (5/98)
- C. Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public

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interest, if unusual conditions arise during construction to warrant the change. (5/98)

- D. **Underground Facilities.** All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. (5/98)
- E. **Final Engineering Plans.** Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer. (5/98)

2.311 PLANNED UNIT DEVELOPMENT DESIGN STANDARDS

2.311.01 Purpose

To allow flexibility which will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of open area, while substantially maintaining, and possibly intensifying, the same population density and area coverage permitted in the district in which the project is located. Flexibility may be achieved through building placement, use of open space, circulation facilities, off-street parking areas, and utilization of the site's special features of geography, topography, size and shape. (5/98)

2.311.02 Site Standards

The following standards shall be specific to planned unit development proposals only: (5/98)

- A. Area. Planned residential, commercial, or industrial developments may be established on parcels of land which are of sufficient size to be planned and developed in a manner that is consistent with the purpose and objectives of this title. (5/98)
- B. Zones. A planned unit development may be located in any zoning district except the Public (P) zone. (5/98)

2.311.03 Development Standards

- A. Common Open Space. A minimum of 20% of the gross area shall be devoted to common open space, with at least 1/2 of the common open space must be contiguous. The common open space shall comply with the provisions in Section 2.311.06. (5/98)
- B. Lot Area. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development. (5/98)
- C. Accessibility. All lots or buildings shall be able to access open space or recreation areas from within the planned unit development. Access may be by roadway or pedestrian/bicycle access way. (5/98)
- D. Structure Setback Provisions. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zoning district. Detached structures shall maintain a minimum side yard setback of 3 feet or meet the Uniform Building Code requirement for firewalls. A minimum front yard setback of 20 feet

shall be required for any garage structure whose opening faces onto a public street. Otherwise the minimum setbacks of the underlying zone do not apply. (5/98)

- E. Attached Dwellings. Buildings sharing common walls are permitted within a planned unit development. (5/98)
- F. Height. The maximum building height shall in no event exceed those building heights prescribed in the zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features are used to avoid adverse impact of the greater height. (5/98)
- G. Street Dedication. Designated arterial or collector streets or streets designed as collector or arterial streets shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way. (5/98)
- H. Streets. All streets must meet provisions in Section 2.302. Private streets must meet service area, improvement width, and curb height standards in Section 2.302.04 as well. (10/02)
- I. Parking. Parking will be required in accordance with the provisions of Section 2.303. (10/02)
- J. Walkways. Sidewalks along private streets may be required only if sidewalks currently exist to the connecting private street. Sidewalks shall be developed in accordance with applicable provisions in Section 2.302 and ~~2.316~~. The overall plan for the planned unit development shall include an acceptable pedestrian circulation system. (10/02)
- K. Utilities. Development of the property shall comply with utility and storm drainage provisions in Section 2.3. (5/98)
- L. Home Owners Association. A homeowners association shall be required and is subject to the provisions in Section 2.311.07. (5/98)

2.311.04 Residential Density

- A. Density Requirement. Except as noted in B., below, the overall residential density on the planned unit development shall conform with the density range of the zone in which it is located. (5/98)
- B. Density Bonus Permitted. A density bonus may be provided when the percentage of open space increases. The bonus shall permit a 1% increase in the maximum dwelling density for each percentage point increase of open space above the minimum 20% requirement. (5/98)

- C. Density Bonus Restrictions. If the City finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions: (5/98)
1. Unsafe access to the planned unit development. (5/98)
 2. Traffic congestion in the streets that adjoin the planned unit development. (5/98)
 3. An excessive burden on sewerage, water supply, parks, recreational areas, or other public facilities that serve or are proposed to serve the planned unit development. (5/98)

2.311.05 Common Open Space

- A. Open Space. Common open space may include open areas, recreational space, school access routes, bicycle trails, natural or landscaped buffer areas, and buildings associated with recreational or community purposes of the planned development. (5/98)
- B. Open Space Requirements. No area may be accepted as common open space within a planned unit development unless it meets the following requirements: (5/98)
1. The location, shape, size, and character of the common open space is suitable for the planned unit development. (5/98)
 2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected residential population or work force, topography, and the number and type of structures provided. (5/98)
 3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses that are authorized for the common open space. Such improvements shall be made by the developer prior to final approval of the planned unit development, or must be assured pursuant to the provisions of Section 3.202.03. (5/98)
 4. The development schedule that is part of the development plan coordinates the improvement of the common open space and the construction of facilities in the common open space with the construction of buildings in the planned unit development. (5/98)

5. If buildings, structures, or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan. (5/98)
- C. Open Space Management. Land shown on the final development plan as common open space shall be conveyed under one of the following options: (5/98)
1. To a City approved public or private agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it. (5/98)
 2. To an association of owners or tenants, created under the laws of the state, which shall adopt and impose bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the city as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. The association bylaws and covenants and restrictions shall be approved by the city attorney, such ability to reasonably provide for the continuing care of the common elements. (5/98)
- D. Use of Open Space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use; however, change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved. (5/98)
- E. Enforcement Authority. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions, using liens or assessments to pay the cost to the city of enforcement. (5/98)

2.311.06 Park and Recreational Facilities

- A. Park Systems Development Charges. In addition to common open space provided in Section 2.311.04. of this section, residential development shall be subject to the adopted systems development charge for parks. (5/98)
- B. Park Dedication. As an alternative to A., above, the systems development charge for parks may be waived if the approved open space within the planned unit development is dedicated for public use with appropriate public access. The determination of an equivalent cost shall be made by the Community Development Director and City Legal Counsel. (5/98)

2.311.07 Owners Association

- A. Owners Association Required. A non-profit incorporated owners association, or an alternative acceptable to the City Attorney, shall be required for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any owners association and shall be reviewed by the City Attorney. (5/98)
1. A owners association shall be set up before approval of the final plat, or any portion thereof. (5/98)
 2. Membership shall be mandatory for each home owner and any successive buyer. (5/98)
 3. The open space restrictions shall be in perpetuity. (5/98)
 4. The owners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities. (5/98)
 5. Home owners shall pay their pro rated share of the cost or the assessment levied by the association shall become a lien on the property. (5/98)
 6. The association shall be able to adjust the assessment to meet changes needed. (5/98)
 7. No change in open space use or dissolution of owners association shall occur without Type II process as identified in Section 3.1. This action may be initiated by the City. (5/98)

2.311.08 Allowable Open Space Uses in a Planned Unit Development

In addition to the accessory uses typical of the primary uses authorized by the zoning district, accessory uses approved as a part of a planned unit development may include the following uses: (5/98)

- A. Golf course. (5/98)
- B. Private park, lake, or waterway. (5/98)
- C. Recreation area. (5/98)
- D. Recreation building, clubhouse, or social hall. (5/98)
- E. Accessory commercial uses as identified in Section 2.416. (5/98)

- F. Other accessory structures or uses which the city determines is designed to serve primarily the occupants of the planned unit development, and is compatible with the design of the planned unit development.

2.311.09 Modification of an Approved PUD

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan: (5/98)

- A. Increase or decrease of 10% (or more) in the number of dwelling units. (5/98)
- B. Increase or decrease of 10% (or more) in the area devoted to open space or recreational space. (5/98)

2.314 STANDARDS FOR SINGLE FAMILY DWELLINGS

The following standards will be applied to all single family dwellings, whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, ~~or~~ RM, MU or UT zones.

- A. All single family homes shall have their primary building façades oriented towards the front lot line of the lot and shall incorporate utilize at least ~~two~~ five of the following design features to provide visual relief along the front of the home: (5/98)

~~A.1.~~ 1. Dormers; (5/98)

~~B.2.~~ 2. Gables; (5/98)

~~C.3.~~ 3. Recessed entry ~~ies~~; (5/98)

~~D.4.~~ 4. Covered porch with front door entry facing the front lot line ~~ies~~; (5/98)

~~E.5.~~ 5. Cupolas; (5/98)

~~F.6.~~ 6. Pillars or posts; (5/98)

~~G.7.~~ 7. Bay, bow windows, or window shutters(5/98)

~~H.8.~~ 8. Eaves (minimum 6" projection); (5/98)

~~I.9.~~ 9. Off-sets on building face or roof (minimum 16")

10. Window (s) facing the street or access easement have a minimum area of not less than 24 square feet.

11. A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding, shakes, etc)

- B. Garages and carports. When garages and carports are provided they shall meet the following:

1. Garage doors and carport openings facing the street shall not account for more than 50% of the dwelling façade that faces the street. (01/02)

2. Garage doors on lots less than 8,000 square feet must be recessed from the front plane of the house at least 5 feet or mitigated with additional design features as set forth below. These are in addition to the features required in Section 2.314(A) above according to the following provisions:

- a. If garage door is even with or recessed less than 5 feet from the front building plane then **one** additional design feature from the **design feature above-listed below** is required.
- b. If garage door protrudes 5 feet or less from the front building plane then **two** additional design features from the **design feature above listed below** is required.
- c. If garage door protrudes more than 5 feet from the front building plane then **three** additional design features from the **design feature above listed below** is required.

DESIGN FEATURE (GARAGES AND CARPORTS)

- Trellis in front of the garage.
 - Projections (such as pillars, posts, stonework, brick work) over, or at each side of the garage doors. Projections shall be a minimum of 8 inches in depth.
 - Additional gables including one above the garage.
 - Windows in garage door.
 - Decorative garage doors which incorporate architectural design elements such as stable doors etc.
 - Landscaping which includes a variety of trees and other planting materials to visually mitigate the garage, which is in addition to required landscaping.
 - Added architectural feature(s) using materials, textures, and / or design features in the plane of the garage.
 - Decorative hardscape features which may be either horizontal and / or vertical and includes a variety of materials and textures such as stamped concrete, pavers, bricks, columns, significant ornamental rocks, etc.
2. If garage door is even with or recessed less than 5 feet from the front building plane then **one** additional design feature from the above list is required.
 3. If garage door protrudes 5 feet or less from the front building plane then **two** additional design features from the above list is required.
 4. If garage door protrudes more than 5 feet from the front building plane then **three** additional design features from the above list is required.

2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (01/04)

2.315.02 Applicability

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant development standards found in Section 2.315.06 ~~8.B(4) and (5)~~ of this code. (01/04)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (01/04)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (01/04)

2.315.03 Exemptions

The following are exempt from the Standards: (01/04)

- A. Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (01/04)
- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period, (01/04)

- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (01/04)
- D. Agricultural uses (01/04)
- E. Any residential building housing three or fewer dwelling units. (01/04)
- F. Accessory structures of less than 500 square feet. (5/98)
- G. Any interior remodeling (01/04)
- H. A temporary business (01/04)

2.315.04 Administration of the Development Standards

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (01/04)

- A. The Standards embodied in this ordinance are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (01/04)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards as contained in Section 2.315.02. (01/04)
- C. The Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (01/04)
- D. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall comply with the same procedures as a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (01/04)

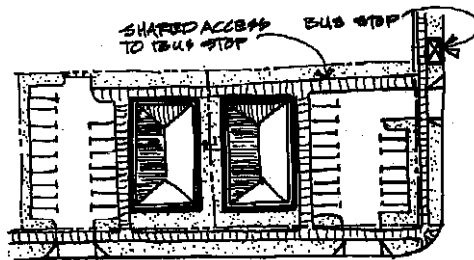
2.315.05 Non-Conforming Buildings

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (01/04)

2.315.086 Development Standards

All applicable development must meet the following standards: (5/98)

- A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (01/04)
1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and existing and planned (as adopted in the City Transportation System Plan) transit facilities within 600 feet of the site. (07/09)
 2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements. (01/04)
 3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage. (01/04)
 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (01/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (01/04)
 6. Walkway Coverage.
 - a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (01/04)



Pedestrian Access Standards

- b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (01/04)
7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet. (01/04)
8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (01/04)
9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (01/04)
10. The building permit application or Development Standards Alternative-application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process. (01/04)

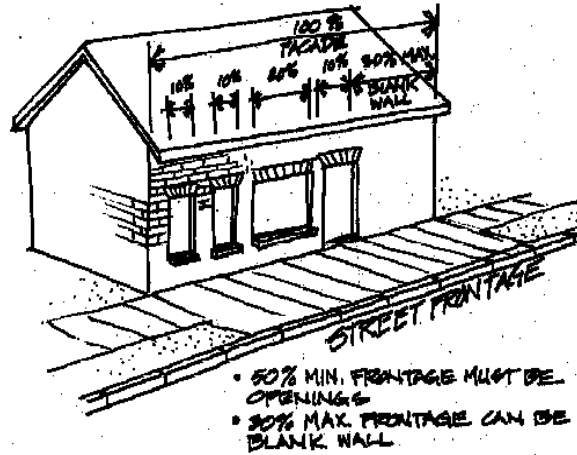
B. Building Design

1. Ground floor windows
 - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. (5/98)
 - b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation

shall be determined as part of the required Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (01/04)

2. Building facades

- a. In the CM, CR, and MU zones, facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall



Façade Standards

area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (01/04)

4. Materials and Texture

- a. Building Materials. (01/04)

- 1) All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as

described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding. (01/04)

- 2) Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal. (01/04)

- 3) Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (01/04)

b. Trim Material. (01/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (01/04)

c. Roofing Material. (01/04)

Any roofing material is allowed including metal roofs. (5/98)

d. Foundation Material. (01/04)

Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (01/04)

1. The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%. (01/04)
2. Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no greater than a 20% difference between any of the three values. (01/04)

3. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (01/04)
4. The finish shall be either matt or satin. (01/04)
- b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (01/04)
- c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (01/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (01/04)

C. Accessory Structures

1. Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence: **OR**, with the exception of trash receptacles, accessory structures including buildings, sheds, mechanical devices, and other structures outside the main building must be screened by painting them the same color as the main color of the building. (01/04)
2. Trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers. (09/10)

D. Alternative Design Solutions. (01/04)

Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

E. Transit Facility Requirement

New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement. (07/09)

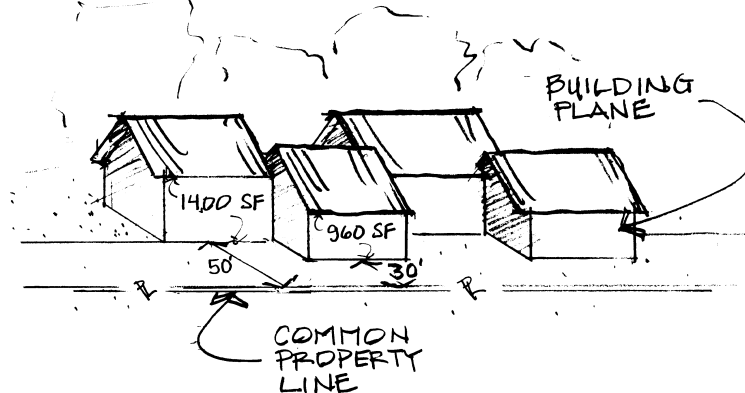
F. Transit Access

New retail, office and institutional buildings within 600 feet of a transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1 and 2 below. (07/09)

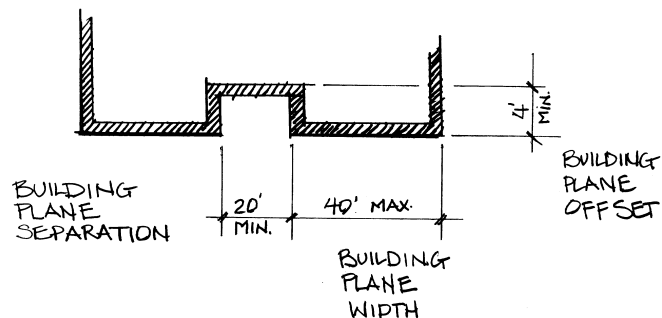
1. Walkways shall be provided connecting building entrances and streets adjoining the site; (07/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property; (07/09)
3. In addition to Subsections 1 and 2 above, sites at transit facilities must provide the following: (07/09)
 - a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection; (07/09)
 - b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site; (07/09)
 - c. A transit passenger landing pad accessible to disabled persons; (07/09)
 - d. An easement or dedication for a passenger shelter if requested by the transit provider; and (07/09)
 - e. Lighting at the transit facility. (07/09)

- G. Multifamily Design. Multifamily structures shall create a form and scale to provide a transition between the multifamily development and any adjacent single-family districts. When multifamily development abuts a single-family district, the following shall apply to multifamily structures within 50 feet of the common property line: (01/02)

1. In addition to the requirements outlined in 2.315.06 all new apartment buildings shall include a minimum of 3 significant different materials and textures in the design of the exterior building envelope.
2. Building planes for multifamily dwellings facing the property line abutting a residential district shall be subject to the following standards: (01/02)



- a. No building plane that faces the street or common property line shall exceed 960 square feet within 30 feet of the property line. No building plane that faces the common property line shall exceed 1,400 square feet within 50 feet of the property line. (01/02)
- b. No building plane shall have a greater dimension than 40 feet in length or 35 feet in height. (01/02)
- c. If more than one building plane faces a street or property line and the building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For the purposes of this standard, "common distance" shall be defined within 12 feet. (01/02)



- d. Building planes are defined as the plane of a building wall that extends from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. (01/02)

The plane does not include roof area. When a structure along a wall juts out from the wall, or is off-set from an adjacent part less than 4 feet, the structure is considered part of the building plane of a wall behind it. If the structure protrudes greater than 4 feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distance are measured. (01/02)

2.315.09-7 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall include as part of that review, a determination of the proposal's conformance with the provisions of this chapter. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards or a design alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this chapter. (01/04)

2.315.10 8 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)

2.316 INFILL DEVELOPMENT STANDARDS

2.316.01 Purpose

The purpose of this section is to: (01/02)

- A. Allow ~~Enable~~ residential infill development to achieve the planned densities specified in the Comprehensive Plan. (01/02)
- ~~B. Encourage a more efficient use of developable land. (01/02)~~
- ~~C. Reduce traffic flow and congestion by creating a more compact form of development. (01/02)~~
- ~~D.~~ B. Promote ~~Protect~~ Conserve livability and neighborhood quality while promoting neighborhood compatibility. (01/02)

2.316.02 Applicability

- A. The provisions of this section shall only apply to new residential land partitions and subdivisions ~~and multi-family developments that meet the definition of infill development parcel and~~ that are located within a residential zone and if any portion directly abuts an existing established neighborhood. (01/02)
- B. All infill developments ~~parcels~~ must comply with the requirements of the zone in which the ~~development parcel~~ is located, except as modified by the provisions of this section. (01/02)
- C. The provisions of this section are not intended to supercede other district requirements, such as the Flood Plain Overlay Zone, Greenway Management Overlay Zone, Limited Use Overlay Zone, Activity Center Overlay Zone, or the Resource Conservation Overlay Zone. (01/02)
- D. Infill development standards shall ~~may~~ be applied to several parcels of land assembled for redevelopment, only if the total area complies with Infill Development Parcel criteria defined in Section 2.316.03. (01/02)

2.316.03 Infill Development Parcel Criteria

Parcels that meet the following criteria shall be subject to the provisions and standards of this chapter: (01/02)

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An infill development ~~parcel~~ is any residential development ~~parcel not more~~ less than two (2) acres in size ~~that is a lot of record~~, and which ~~meets any two of the following criteria:~~ directly abuts an existing residential neighborhood. (01/02)

~~A. A parcel with less than 250 feet of frontage along a public street;~~ (01/02)

~~B. A parcel with an existing structure;~~ (01/02)

~~C. A parcel that is irregular in shape, such that it cannot be partitioned or subdivided to meet the maximum density of the underlying zone without a variance;~~ (01/02)

~~D. A parcel that is bounded on two or more sides by existing development or natural constraints (i.e. waterways, steep slopes, resource protections areas);~~ (01/02)

2.316.04 Process

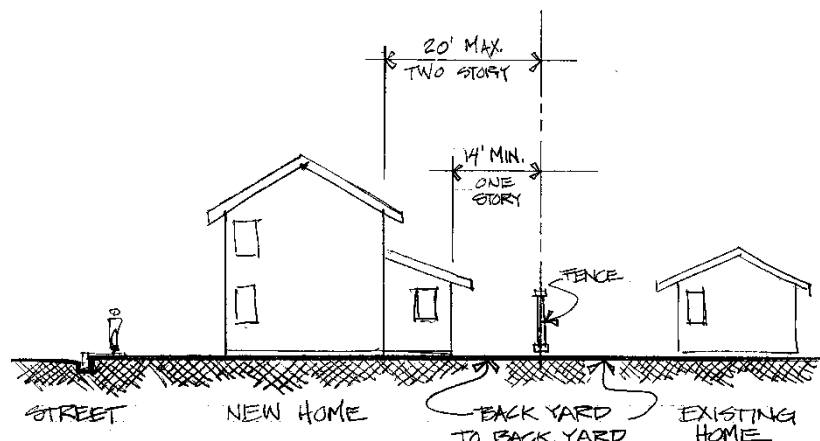
~~A. Application Process. An application for development projects wishing to utilize infill development standards shall follow the applicable land division process, such as a partition, subdivision, or planned unit development.~~ (01/02)

~~B. Pre-Application Conference. A pre-application conference is available for all partitions, subdivisions, or other development project seeking approval using infill development standards (See Section 3.210.02).~~ (01/02)

2.316.05 Dimensional Standards

~~Infill lots shall meet the following minimum standards that shall be used in place of standards of the zone in which the parcel is located.~~ (01/02)

~~A. Detached dwellings shall have a minimum side yard setback of 5 feet. For each additional 2 feet of building height over 16 feet, the setback shall be increased by 1~~



~~foot. The minimum required side yard setback shall not exceed 10 feet. Where a dwelling consists of a combination of sections of varying heights or stories, the side yard setback shall be applied to each building section. (01/02)~~

~~B. Minimum Rear Yard Setbacks. Dwellings shall have a minimum rear yard setback of 14 feet. For each additional 2 feet of building height over 16 feet, the setback shall be increased by 1 foot. The minimum required rear yard setback shall not exceed 20 feet. Where a dwelling consists of a combination of sections of varying heights or stories, the rear yard setback shall be applied to each building section. (01/02)~~

~~2.316.06~~ Infill Street and Access Easement Standards **COVERED** **in 2.302**

~~All new lots created on infill development parcels that serve two or more dwelling units must be served by a public street or private access easement that meet one of the following minimum standards. These standards may be used for infill development in place of the right-of-way and improvement width standards of Section 2.302.03 of this Code. (01/02)~~

~~A. Public Streets. Public streets serving infill development must be constructed to the following minimum standards: (01/02)~~

Type of Infill Streets	Minimum ROW Width	Sidewalks	Minimum Pavement Width	Parking	Maximum Dwelling of Units Served
Infill Street I	32 ft.	5 ft. wide at curbline on both sides (2)	30 ft.	Parking on both sides	19 units
Infill Street II (1)	30 ft.	5 ft. wide at curbline on one side (2)	28 ft.	Parking on one side (1)	19 units

Notes:

~~(1) If Infill Street type II is used, a parking plan must be submitted that illustrates the location of all required parking spaces for each lot within the proposal. (01/02)~~

~~(2) Sidewalks must be provided with easements adjacent to the right-of-way. (See Section 2.316.06C) (01/02)~~

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~~B. Access Easements. Private access easements serving infill development shall be allowed only if the applicant can demonstrate that no public street can provide reasonable access to the infill parcels, future through connections to other streets are not possible, and the access easement will serve less than 5 dwelling units. Private access easements serving infill development shall adhere to one of the access easement standards in the table below. (01/02)~~

Type of Access Easement	Minimum Easement Width	Minimum Pavement Width	Parking
Access Easement I (serving 1-2 dwelling units)	20 ft. wide tract or unobstructed easement	12 ft. paved surface	No parking on either side
Access Easement II (serving 3-4 dwelling units)	20 ft. wide tract or unobstructed easement	16 ft. paved surface	No parking on either side

~~A parking plan outlining how off-street parking requirements will be satisfied shall be submitted with any application utilizing an access easement. (01/02)~~

~~C. Reduced Sidewalk Requirements. The City shall reduce street frontage improvement requirements for certain infill projects where fewer improvements are necessary. For public streets where through streets are not possible and which serve five to eight dwelling units, the City shall require a sidewalk only on one side of the street. (01/02)~~

~~D. Infill Street Development Requirements. The right-of-way for an Infill Street must be dedicated at the time of the final plat. Street construction improvements must be completed prior to any development permit on newly created parcels. Infill streets must be constructed to the furthest extent of any access driveway to a newly created parcel or to the required depth for a turn around, whichever is greatest. (01/02)~~

~~E. Infill Street Extension Requirements. Where dedicated right-of-way for an Infill Street abuts a property to be developed and the street is not fully improved, the applicant for the developing adjacent parcel must extend and construct the remaining distance of right-of-way to connect to the furthest extent determined in Section 2.316.06D. (01/02)~~

2.316.07 Infill Turnarounds **COVERED IN 2.302**

~~A. Access Easements. A turnaround shall be required for any access easement that provides the sole access for two or more residences and is~~

~~150 feet or greater in length. Turnarounds shall either be a circular turnaround with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turnaround with at minimum paved dimension across the "tee" of 60 feet (see Figure 41 Approved Turn Around Designs). (01/02)~~

- ~~B. Public Infill Streets. For public streets, a bulb turnaround shall have a minimum radius of 38 feet. The City Engineer may develop infill standards for "T" or "Y" turnarounds. The City Engineer shall determine if a proposal meets the standards set forth in this section. (01/02)~~

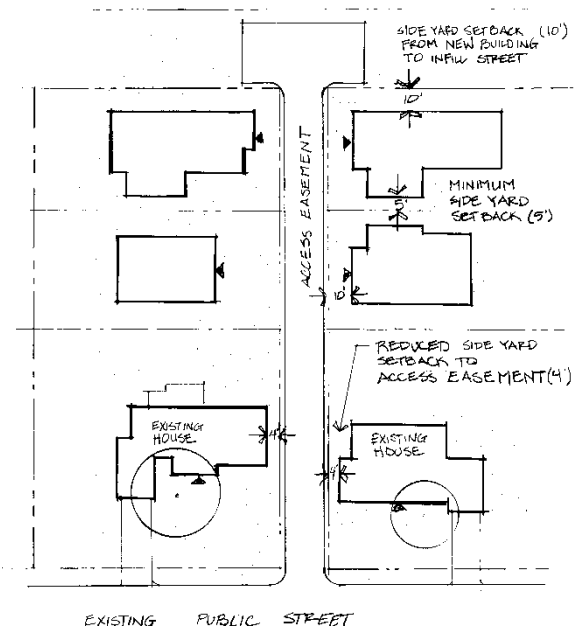
2.316.08 Turning Radius **COVERED IN 2.302 also eliminate infill streets**

~~The intersections and turnarounds of all infill streets and access easements shall be designed and constructed with a minimum inside turning radius of 20 feet. The minimum turning radius shall be measured from the center point of the circle of the turning radius to the inside of the curb face. (01/02)~~

2.316.09 Infill Access Easement Setbacks **MOVED INTO RS- 2.102.05; RL 2.103.05; RM 2.104; MU 2.107; UT 2.118**

~~Access easements serving infill development parcel shall adhere to all of the following standards: (01/02)~~

- ~~A. The minimum access easement setback to the side yard of an existing building shall be five (5) feet. (01/02)~~
- ~~B. The minimum access easement setback to the front yard of an infill development parcel shall be ten (10) feet. (01/02)~~
- ~~C. The minimum access easement setback to the side yard of a new infill development parcel shall be ten (10) feet. (01/02)~~



2.316.10 Constrained Access Roadway

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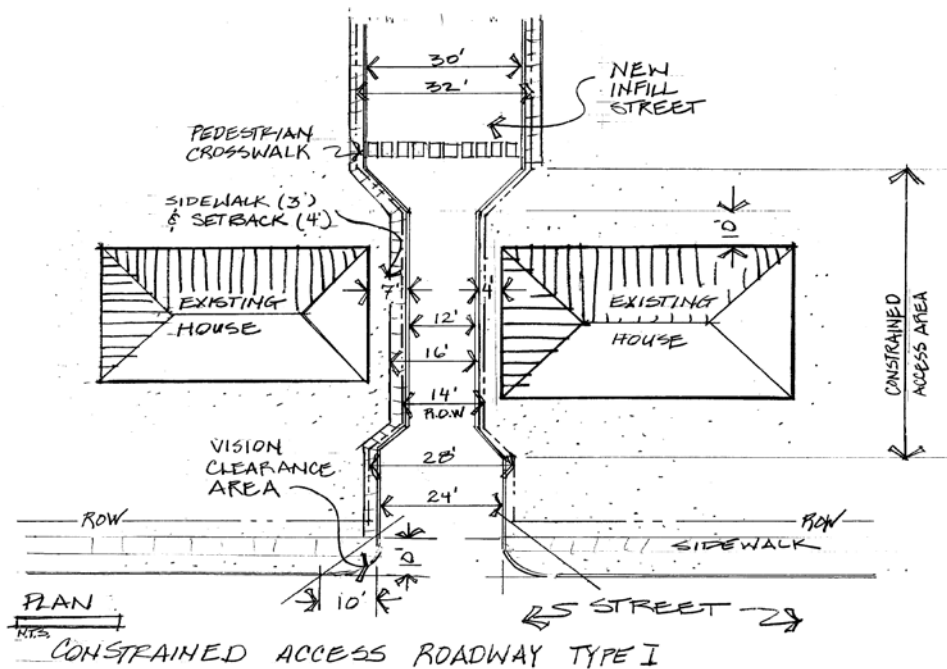
~~Constrained access roadways meeting City minimum standards defined below, shall be an acceptable alternative means of providing vehicular access to infill parcels, when infill streets defined in Section 2.316.06 cannot be used to gain access to infill parcels. Any request for constrained access roadways must be processed as a major variance. (01/02)~~

~~A. Constrained access roadways must meet all of the following standards: (01/02)~~

- ~~1. Minimum right-of-way width of a constrained access roadway shall be 14 feet, with a minimum paved width of 12 feet plus curbs. (01/02)~~
- ~~2. A sidewalk with a minimum width of 3 feet and which complies with standards of the Americans with Disabilities Act (ADA), shall be located along one side of the constrained access roadway. The sidewalk may be located either within a public right-of-way or within an easement. (01/02)~~
- ~~3. There shall be a minimum 4-foot setback from the right-of-way line or the edge of the right-of-way to any part of an adjacent structure. (01/02)~~
- ~~4. Constrained access distances must be kept to a minimum; no constrained access distance shall exceed 80 feet in length. (01/02)~~
- ~~5. Street segments having constrained access shall be permitted to intersect only with local streets. (01/02)~~
- ~~6. Visibility clearance criteria must be met at all roadway intersections. (01/02)~~
- ~~7. Portions of a roadway outside the constrained access area shall be constructed to meet standards for a standard or infill street. (01/02)~~
- ~~8. Roadways that require constrained access shall serve eight (8) or fewer dwelling units, unless the street connects to another street which provides a second unconstrained means of vehicular access. Two constrained access roads may serve up to 12 units. (01/02)~~
- ~~9. Within a constrained access area, utilities may be provided beneath the street. (01/02)~~

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- ~~10. No fences, walls, hedges or trees may be located within the constrained access area for a minimum total 20-foot width clearance. This area shall be measured ten (10) feet from each side of the centerline of the constrained roadway. (01/02)~~
- ~~11. Transition from an infill street section to a reduced width section of the constrained access roadway shall meet AASHTO Standards for local streets, unless varied by the Department of Public Works. (01/02)~~
- ~~12. Appropriate signage, as approved by the Department of Public Works, must be posted to indicate "One Lane Traffic Ahead" preceding any constrained access roadway. (01/02)~~
- ~~13. Location of garages on existing structures must be located or relocated to be either the opposite side of a constrained access roadway or must be located to have access outside of the constrained access area from the rear of the lot. (01/02)~~

2.316.11 Alignment **COVERED IN 2.302 also INFILL STREETS ELIMINATED**

~~All infill streets intersecting an arterial or collector street shall be in alignment with existing street centerlines. Where streets join an arterial or collector forming a~~

~~“T” intersection, the street must be not less than 100 ft from the centerline of another intersection. The staggering of street alignments resulting in “T” intersections shall, wherever practical, leave a minimum distance of 200 feet. Where infill streets intersect a local street, no alignment separation is required for street centerlines. (01/02)~~

~~2.316.12~~ Storm Water Drainage **COVERED IN 2.306**

~~All infill development projects shall adhere to requirements specified in Section 2.306, Storm Drainage. Wherever possible, infill development shall use on-site storm water detention or natural drainage channels to convey storm water runoff. Before land division, partition, or subdivision is allowed by the City, the applicant must demonstrate that on-site storm water management techniques will be implemented and are sufficient to control runoff, or prove that such management techniques cannot reasonably be applied and provide a satisfactory alternative for managing storm water runoff. (01/02)~~

~~2.316.13~~ Trees Along Streets and Access Easements **MOVED INTO 2.203.08**

~~To enhance streetscapes in the community, trees shall be required along streets and access easements serving infill development. For purposes of this section, these required trees shall be defined as streetscape trees. Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees. The tree removal plan, included in the partition or subdivision application, shall indicate the location of the proposed streetscape trees. At the time of planting, streetscape trees shall have a trunk diameter of at least one and one-quarter inches, measured at six inches above ground level, and shall be of a type that will be at least twelve inches in diameter when fully mature. (01/02)~~

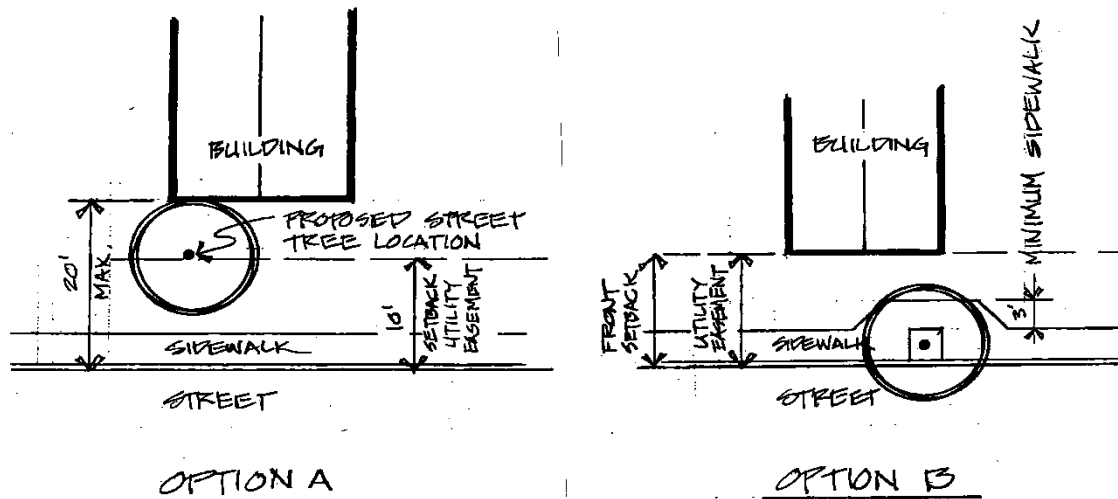
~~Streetscape trees along infill streets and access easements must be located according to one of the following provisions: (01/02)~~

- ~~A. Streetscape trees shall be planted within the boundaries of each lot, not less than 10 feet and not more than 20 feet from the street right-of-way or access easement. (01/02)~~
- ~~B. Streetscape trees may be planted in planters incorporated into the design of the sidewalk, provided that a minimum 3-foot sidewalk width is maintained for use by pedestrians. (01/02)~~

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~~C. Streetscape trees selected from a list of approved trees may be planted within the public right-of-way. (01/02)~~



2.316.1-04 Infill Compatibility

- A. Development Plan Required. Infill developments shall be designed to be sensitive to the established patterns of existing neighborhood development. A development plan must be submitted with any Partition or Subdivision application. Compliance with the approved design plan shall be a condition of approval. A development plan does not have to be prepared by an architect, engineer, or surveyor, but must be reasonably accurate in scale to allow the reviewer to assess it for compliance with all criteria. Plans must show the following: Design Features. Infill development shall utilize at least two of the following design features to provide visual relief along the front of each new dwelling unit. (01/02)
1. Proposed building area footprints and setback locations. Windows facing the street (total window area of not less than 12 square feet); (01/02)
 2. Proposed building heights and typical architectural designs for proposed homes. Dormers; (01/02)
 3. A landscaping plan showing location, size, and type of trees and plant materials, proposed fences, and any other features that provide screening and buffering to adjacent properties. Gables; (01/02)

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4. ~~Recessed entries;~~ (01/02)
5. ~~Covered porch entries;~~ (01/02)
6. ~~Cupolas;~~ (01/02)
7. ~~Pillars or posts;~~ (01/02)
8. ~~Bay or bow windows;~~ (01/02)
9. ~~Eaves (minimum 6" projection);~~ (01/02)
- ~~10. Off-sets on building face or roof (minimum 16");~~ (01/02)

B. Building Height Restriction. Building heights for new infill development shall not exceed five (5) feet above the height of the existing abutting dwelling(s) located on directly abutting parcels to the new infill development, unless measures are provided to mitigate the impact of the proposed dwelling(s). Mitigation measures shall be provided as approved by the Land Use Decision process. Acceptable mitigation measures may utilize a combination of the following features in order to preserve and protect the livability of directly abutting properties if demonstrated to address negative impacts. ~~Building Form. If attached dwellings or multifamily dwellings are being sited on infill lots, the following standards shall apply:~~ (01/02)

1. Increased Setback. New buildings are to be setback from property lines an additional one foot for every foot over the maximum height allowed based upon the height of the directly abutting dwellings as determined in Section 2.316.04.B. Where a dwelling consists of a combination of sections of varying heights or stories, the side yard setback shall be applied to each building section. In no case shall a building exceed the maximum height allowed by the underlying zone. ~~Unit Definition. Each dwelling unit shall be defined by a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street.~~ (01/02)
2. Landscaping. Landscaping and fencing that will screen and buffer the impacts of the new development from immediately abutting properties. ~~Density Transition. Multifamily structures shall maintain a typical single-family form and scale to provide a transition between apartment residential and attached residential and single-family districts. Where apartment residential or attached residential districts abut a single-family districts, the following shall apply to~~

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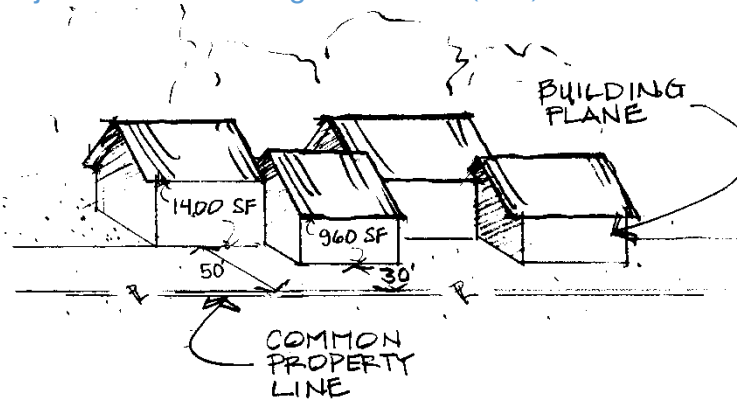
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~~multifamily development within 50 feet of the common property line:~~
(01/02)

Increased setback is intended to be the primary method used to mitigate negative impacts between structures. Landscaping (screening and/or plan materials) may be employed as an adequate measure of mitigation on a case-by-case basis, depending on the specific development proposal.

~~A. Building height shall not exceed 24 feet in height within 30 feet of the property line or 36 feet in height within 50 feet of the property line.~~ (01/02)

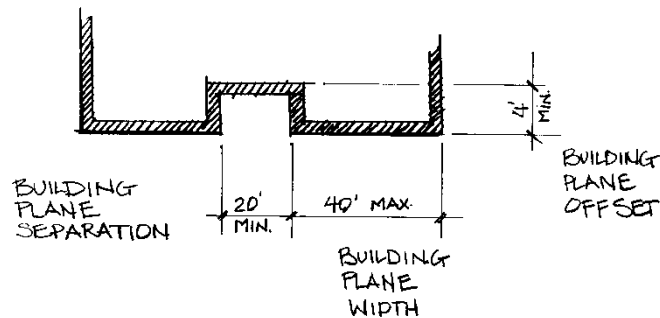
~~B. Building planes for multifamily dwellings within 50 feet of the common property line and facing the property line shall be subject to the following standards:~~ (01/02)



~~(1) No building plane that faces the common property line shall exceed 960 square feet within 30 feet of the property line. No building plane that faces the common property line shall exceed 1,400 square feet within 50 feet of the property line.~~ (01/02)

~~(2) No building plane shall have a greater dimension than 40 feet in length or 35 feet in height.~~ (01/02)

- (3) ~~If more than one building plane faces a property line and the building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For the purposes of this standard, "common distance" shall be defined within 12 feet.~~ (01/02)



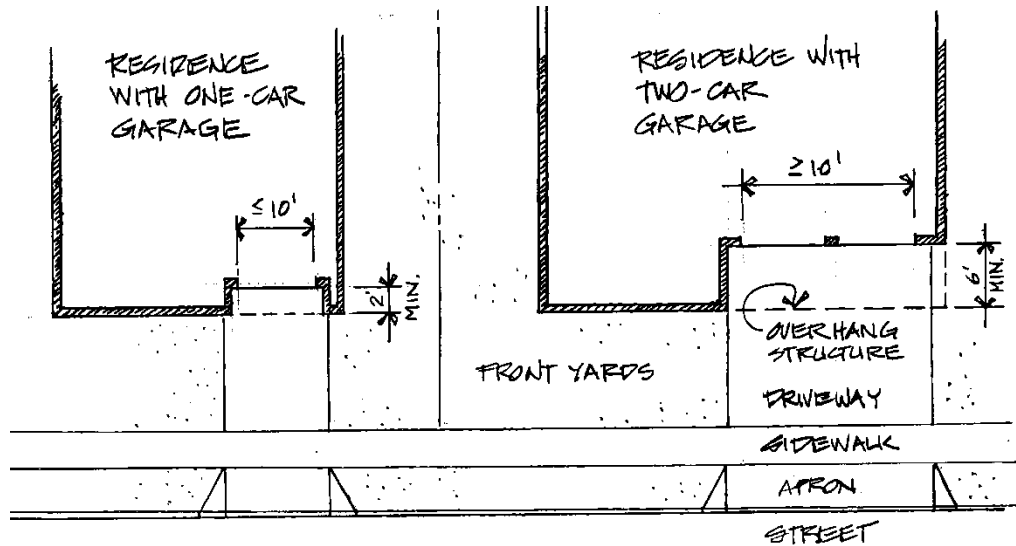
- (4) ~~Building planes are defined as the plane of a building wall that extends from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height.~~ (01/02)

~~The plane does not include roof area. When a structure along a wall juts out from the wall, or is off-set from an adjacent part less than 4 feet, the structure is considered part of the building plane of a wall behind it. If the structure protrudes greater than 4 feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distance are measured.~~ (01/02)

2.316.15 ~~Garages and Carports~~ **MOVED INTO 2.314**

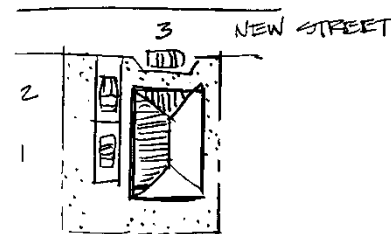
- A. ~~Garages and carports shall be located no closer than 18 feet to the nearest edge of sidewalk adjacent to a public right-of-way, or if no sidewalk is present, the edge of the curb or roadway.~~ (01/02)
- B. ~~Garage doors and carport openings facing the street shall not account for more than 40% of the built dwelling façade that faces the street.~~ (01/02)
- C. ~~Single vehicle garage doors and carport openings must be recessed not less than two feet from the façade. Garages or carports designed to~~

accommodate more than one vehicle must be set back a minimum of six feet from the front building line. (01/02)



2.316.16 Infill Parking MOVED INTO 2.102.06

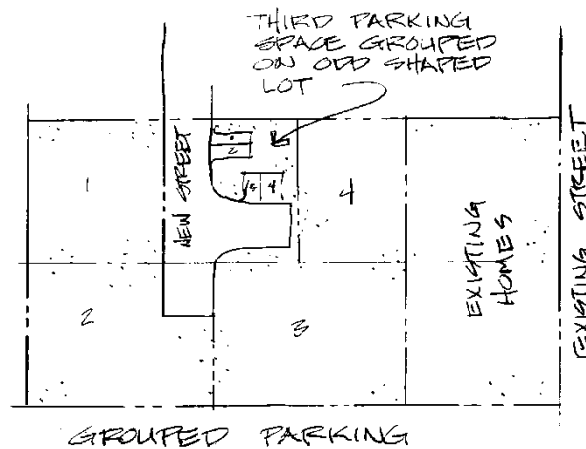
- A. Single family and duplex units must provide two on-site parking spaces. (01/02)
- B. Tandem parking, stacking two cars end to end in a private drive way, shall be an acceptable method of meeting infill parking requirements. (01/02)
- C. A parking plan shall be required for all infill development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots. (01/02)



TANDEM PARKING

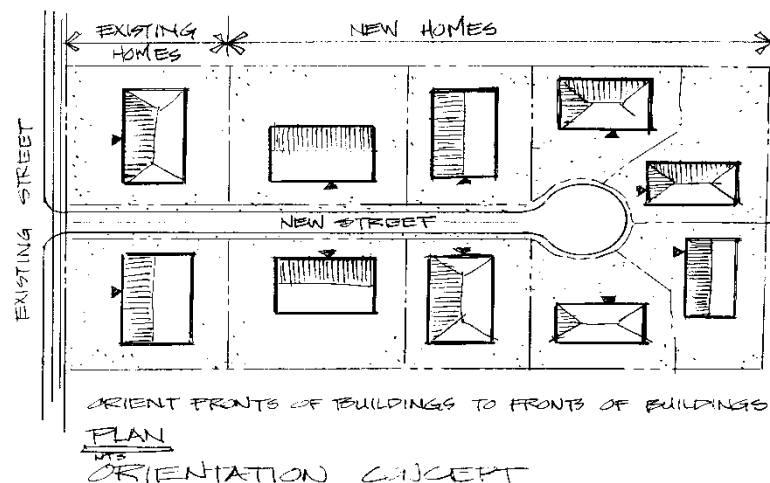
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2.316.17 Building Orientation **COVERED IN 2.314**

~~Any new dwelling constructed on an infill development parcels must have its primary building facade oriented toward the nearest public street or private access easement. This provision is intended to enhance neighborhood quality by promoting the use of neighborhood streets as public places. (01/02)~~



2.316.18 — Street lights **MOVED INTO 2.302**

~~Street lights shall be required for public streets serving more than four dwelling units. Street lights shall be located within utility easements. Street lights are not required along private access easements that are intended to serve less than five dwelling units. Street lights and shall be designed to direct the light down toward the street and sidewalk and as much as practicable away from adjoining homes.~~
(01/02)

2.316.19 — Reduced Sidewalk Requirements

~~The City shall reduce street frontage requirements for certain infill projects where fewer improvements are necessary.~~ (01/02)

~~For public streets where through streets are not possible and which serve five to eight dwelling units, the City shall require a sidewalk only on one side of the street.~~ (01/02)

3.106 LOT LINE ADJUSTMENT

3.106.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. In the event the property line between two properties is proposed to be moved with the consent of both parties, approval of a lot line adjustment is necessary to assure the resultant parcels meet all standards of this Code. (5/98)

3.106.02 Application and Fee

An application for a variance shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (5/98)

3.106.03 Applicability

Under the following provisions and in accordance with Section 2.310.03.B, a property owner or his designate may propose a lot line adjustment. (5/98)

3.106.04 Criteria – Lot Line Adjustment

Staff may grant a lot line adjustment in accordance with the Type I-B review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (5/98)

- A. The adjustment of lot lines results in no more parcels than originally existed. (5/98)
- B. The proposed lot line adjustment results in parcels that meet all area and dimension standards of this Code; and (5/98)
- C. The proposed lot line adjustment does not locate lot lines in violation of the setback and height provisions of the Code relative to existing structures and improvements. (5/98)
- ~~D. The proposed lot line adjustment does not result in two parcels which meet the criteria for an Infill Development Parcel, as defined in Section 2.316.03 Infill Development Parcel Criteria. (01/02)~~

CITY COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ORDINANCE RELATED TO ABANDONED SHOPPING CARTS

Though not numerous, the City has received complaints about abandoned shopping carts in the neighborhoods. The majority of shoppers do not take the shopping carts off the owner's premises, but some shoppers do. Some shoppers take the shopping carts off the premises to take their purchases home, while other shopping carts are taken for other purposes.

Shopping carts that are taken off the premises usually become abandoned and become a nuisance to the immediate neighborhood. State statutes sets up a process for notice and eventual seizure of the shopping carts, but requires the local government to adopt an Ordinance if they want to use this process.

The process allows for a toll-free number to be placed on the carts along with signs at the stores with the toll-free number indicating that removing the carts from the premises is illegal and providing a toll-free telephone number on the cart to allow people to call to report an abandoned cart. The process then contemplates calls being made and the store or stores' representative picking up the abandoned carts. If they do not do so, the Code Compliance Officer may give notice and if it is not retrieved, the Code Compliance Officer can secure the cart for safekeeping. The store must pay a \$50.00 administrative fee when it picks up the cart from the Code Compliance Officer. If the store fails to provide the signs or fails to maintain the toll-free line, there is a provision for an infraction and fine.

A proposed Ordinance establishing regulations for the process for notification and shopping cart retrieval is attached for your consideration.

RECOMMENDATION:

Adopt the attached Ordinance.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

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A BILL
FOR
AN ORDINANCE
RELATING TO ABANDONED SHOPPING CARTS

ORDINANCE NO.
2015-_____

The City of Keizer ordains as follows:

Section 1. SHORT TITLE. This Ordinance shall be known as the “Abandoned Shopping Cart Ordinance” and shall be so cited and pled.

Section 2. PURPOSE, POLICY, AND SCOPE. It is declared policy of the City of Keizer, in furtherance of the protection of the public health, safety and welfare of the people of the City of Keizer, to enact an ordinance regulating the presence of abandoned shopping carts within the City of Keizer, declaring the presence of abandoned shopping carts as a public nuisance, providing a means to allow for voluntary abatement of the nuisance by the owners of shopping carts through a notification and retrieval process, and providing means for abatement of the presence of abandoned shopping carts when voluntary compliance is not achieved. The City Council finds and declares that the presence of abandoned shopping carts tends to create a condition reducing private property values, promotes blight and deterioration, creates a hazard to the health, safety and general welfare of the public, and reduces the aesthetic value of the City as a whole. Such presence of abandoned shopping carts within the City of Keizer is hereby declared to be a public nuisance. In addition, the collection of shopping carts by the City is done

1 as part of the City’s Community Caretaking function and not as a penalty. The shopping
2 carts are otherwise subject to theft or damage.

3 Section 3. DEFINITIONS. Unless the context otherwise specifically requires,
4 the following mean:

5 (a) “Abandoned shopping cart” means any shopping cart that has been removed
6 from the owner’s premises without written consent of the owner and which is
7 located on either public or private property.

8 (b) “Code Compliance Officer” means the person charged with the enforcement of
9 city codes by the City Manager.

10 (c) “Owner” means a person that, in connection with the operation of a business,
11 makes a shopping cart available to a customer.

12 (d) “Person” means a natural person, corporation, partnership, limited liability
13 company, limited liability partnership, co-operative, trust, or other entity in law or
14 fact.

15 (e) “Premises” means the entire area of the real property owned, occupied or
16 utilized by an owner, including any parking lot or other property provided by or on
17 behalf of an owner for customer parking or use.

18 (f) “Shopping cart” means any device that is mounted on wheels and used for the
19 transportation of goods, or any other similar device, that is provided by an owner
20 for use by a customer.

1 Section 4. ADMINISTRATION. The City Manager or his designee shall be
2 responsible for the administration of this Ordinance.

3 Section 5. SHOPPING CART INFORMATION REQUIRED. Every owner
4 shall have a permanent sign affixed to every shopping cart with the following
5 information:

6 (a) The identity of the owner of the shopping cart.

7 (b) A toll-free telephone number of the owner for shopping cart return.

8 (c) A statement that the unauthorized removal of the shopping cart from the
9 premises is a crime under ORS 164.015.

10 Section 6. POSTED NOTICE. Every owner shall conspicuously post a
11 sufficient number of signs on the owner's business premises stating that unauthorized
12 appropriation of a shopping cart is a crime under ORS 164.015. Such signs must provide
13 the toll free telephone number that persons may use to report abandoned shopping carts.

14 Section 7. TOLL-FREE TELEPHONE LINE REQUIRED. Every owner must
15 establish, maintain, and make available to the public, at the owner's expense, a toll-free
16 telephone line for the purpose of reporting abandoned shopping carts. The agreement
17 between the owner and the toll-free telephone provider shall provide that the operator of
18 the toll-free telephone line forward a report of each call concerning an abandoned
19 shopping cart to the owner and to the Code Compliance Officer, within one business day
20 of receipt of the call, and that such report be provided through electronic mail or by fax.

1 More than one owner may use the same toll-free telephone number to share expenses.
2 Any agreement by two or more owners to share a toll-free telephone number shall
3 comply with the requirements herein.

4 Section 8. NOTIFICATION AND RETRIEVAL OF ABANDONED
5 SHOPPING CARTS.

6 (a) The Code Compliance Officer or any member of the public may report the
7 location of an abandoned shopping cart by calling the toll-free telephone number
8 provided by the owner.

9 (b) If the City has notice of the location of an abandoned shopping cart, the Code
10 Compliance Officer shall use the toll-free telephone number provided by the owner
11 to report the location of the abandoned shopping cart.

12 (c) If an abandoned shopping cart does not have a sign with the information
13 required herein, the City may take custody of the abandoned shopping cart. If the
14 owner can be identified, but after reasonable effort, the Code Compliance Officer is
15 unable to contact the owner of the abandoned shopping cart and seventy-two (72)
16 hours has passed, or if the owner cannot be identified, the Code Compliance
17 Officer may dispose of the abandoned shopping cart as provided in Section 11.

18 Section 9. DUTY TO RETRIEVE CART. An owner, or an owner's
19 representative, must retrieve an abandoned shopping cart within seventy-two (72) hours
20 from the date the report is made to the owner under Section 8.

1 Section 10. CUSTODY OF ABANDONED CART. The Code Compliance
2 Officer may take custody of an abandoned shopping cart and impose an administrative
3 fee of fifty dollars (\$50.00) per shopping cart on the owner of the abandoned shopping
4 cart if the owner does not retrieve the abandoned shopping cart within seventy-two hours
5 after the owner receives a report of an abandoned shopping cart under Section 8. The
6 Code Compliance Officer shall release the abandoned shopping cart to the owner after
7 the administrative fee is paid.

8 Section 11. DISPOSITION OF UNCLAIMED ABANDONED CART. Title to
9 an abandoned shopping cart not claimed by an owner within thirty days after notification
10 from the Code Compliance Officer, or to any abandoned shopping cart where the Code
11 Compliance Officer has been unable to identify the owner after reasonable efforts and
12 which has been in the City's custody for thirty (30) days, shall be forfeited to the City
13 and the abandoned shopping cart may be sold or otherwise disposed of by the City.

14 Section 12. EXEMPTION. If an owner has an effective physical or electronic
15 mechanism or method that prevents shopping carts from being removed from the
16 premises, the owner is exempt from the requirements of this Ordinance.

17 Section 13. VIOLATION. Failure by an owner to comply with Section 5,
18 Section 6, or Section 7 is a civil infraction. The fine amounts for the violations are as
19 follows:

20 Maximum Fine: \$500.00

1 Minimum Fine: \$100.00

2 Presumptive Fine: \$250.00

3 Section 14. SAVINGS CLAUSE. Should any section or portion of this
4 Ordinance be held unlawful and unenforceable by any court of competent jurisdiction,
5 such decision shall apply only to the specific section, or portion thereof, directly
6 specified in the decision. All other sections or portions of this Ordinance shall remain in
7 full force and effect.

8 Section 15. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
9 days after its passage.

10 PASSED this _____ day of _____, 2015.

11
12 SIGNED this _____ day of _____, 2015.

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Mayor

City Recorder

CITY COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: FEE RESOLUTIONS

The City Council has adopted several resolutions relating to various types of fees. Certain Resolutions provide for automatic inflation indexing, but some did not include rounding in the indexing methodology. When the indexing is calculated, we end up with odd dollar amounts; i.e., \$5.34 or \$101.36.

Staff believes that odd dollar amounts are not customer service friendly. Therefore, staff requests that the Resolutions in question be amended to allow for the following index methodology relating to rounding:

1. Fees that are one dollar or less shall be rounded to the nearest cent.
2. Fees that are over one dollar and up to ten dollars shall be rounded to the nearest five cent increment.
3. Fees over ten dollars and up to one hundred dollars shall be rounded to the nearest whole dollar.
4. Fees over one hundred dollars shall be rounded to the nearest five dollar increment.
5. When an indexed fee is half way or more between the lower increment and the higher increment, the fee will be increased to the next increment.
6. When an indexed fee is less than half way between the lower increment and the higher increment, the fee will be set to the lower increment.

RECOMMENDATION:

Adopt the attached Resolutions:

1. Amending Administrative Services Fees; Amending Resolution R2014-2453.

2. Amending Application Fee for Apportionment of Local Improvement Assessments; Amending Resolution R2012-2253.
3. Amending Demolition Permit Fees; Amending Resolution R2010-2085.
4. Amending Keizer Park Use Fees; Amending Resolution R2012-2229.1.
5. Amending Plan Check and Construction Permit Fees; Amending Resolution R2006-1697.
6. Amending the Application Fee for Public Improvement Reimbursement Districts; Amending Resolution R2015-2577.
7. Amending the Transportation System Development Charge Improvement Fee Structure; Amending Resolution R2014-2484.
8. Amending Water Service Connection Fees and Related Service Fees; Amending Resolution R2006-1724.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2015-_____

4
5 AMENDING ADMINISTRATIVE SERVICES FEES;
6 **AMENDING RESOLUTION R2014-2453**
7

8
9 WHEREAS, the City Council established fees for certain administrative services
10 by Resolution R2014-2453 on June 2, 2014;

11 WHEREAS, the City Council amended Resolution R2014-2453 by the addition of
12 a fee for certifying delinquent sewer accounts to the County Assessor for collection by
13 Resolution R2015-2589 on June 15, 2015;

14 WHEREAS, Resolution R2014-2453 allow for the fees to be automatically
15 adjusted every three years beginning July 2015;

16 WHEREAS, the automatic adjustment did not include rounding in the indexing
17 methodology;

18 WHEREAS, the City wishes to revise Resolution R2014-2453 to include rounding
19 in the indexing methodology;

20 NOW, THEREFORE,

21 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
22 R2014-2453 is amended by adding the following paragraph immediately following the
23 first paragraph on Page 3:

24 BE IT FURTHER RESOLVED that the automatic adjustments
25 be rounded pursuant to the following methodology:

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- 1. Fees that are one dollar or less shall be rounded to the nearest cent.
- 2. Fees that are over one dollar and up to ten dollars shall be rounded to the nearest five cent increment.
- 3. Fees over ten dollars and up to one hundred dollars shall be rounded to the nearest whole dollar.
- 4. Fees over one hundred dollars shall be rounded to the nearest five dollar increment.
- 5. When an indexed fee is half way or more between the lower increment and the higher increment, the fee will be increased to the next increment.
- 6. When an indexed fee is less than half way between the lower increment and the higher increment, the fee will be set to the lower increment.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2015.

SIGNED this _____ day of _____, 2015.

Mayor

City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2015-_____

4
5 AMENDING APPLICATION FEE FOR APPORTIONMENT OF
6 LOCAL IMPROVEMENT ASSESSMENTS; **AMENDING**
7 **RESOLUTION R2012-2253**
8
9

10 WHEREAS, the City Council established an application fee for apportionment of
11 local improvement assessments on July 2, 2012 by Resolution R2012-2253;

12 WHEREAS, Resolution R2012-2253 allows for the fee to be automatically
13 adjusted every three years beginning July 2015;

14 WHEREAS, the automatic adjustment did not include rounding in the indexing
15 methodology;

16 WHEREAS, the City wishes to revise the fee schedule to include rounding in the
17 indexing methodology;

18 NOW, THEREFORE,

19 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
20 R2012-2253 is amended by adding the following paragraph at the end of the Resolution:

21 BE IT FURTHER RESOLVED that the automatic adjustments
22 be rounded pursuant to the following methodology:

- 23 1. Fees that are one dollar or less shall be rounded to the
24 nearest cent.
25 2. Fees that are over one dollar and up to ten dollars shall be
26 rounded to the nearest five cent increment.
27 3. Fees over ten dollars and up to one hundred dollars shall be
28 rounded to the nearest whole dollar.
29 4. Fees over one hundred dollars shall be rounded to the

1 nearest five dollar increment.

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3 5. When an indexed fee is half way or more between the lower
4 increment and the higher increment, the fee will be increased
5 to the next increment.

6 6. When an indexed fee is less than half way between the lower
7 increment and the higher increment, the fee will be set to the
8 lower increment.

9

10 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

11 upon the date of its passage.

12 PASSED this _____ day of _____, 2015.

13

14 SIGNED this _____ day of _____, 2015.

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Mayor

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21

City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2015-_____

4
5 AMENDING DEMOLITION PERMIT FEES; **AMENDING**
6 **RESOLUTION R2010-2085**
7

8
9 WHEREAS, the City Council established demolition permit fees on December 6,
10 2010 by Resolution R2010-2085;

11 WHEREAS, Resolution R2010-2085 allows for the fees to be automatically
12 adjusted every three years beginning July 2012;

13 WHEREAS, the automatic adjustment did not include rounding in the indexing
14 methodology;

15 WHEREAS, the City wishes to revise the fee schedule to include rounding in the
16 indexing methodology;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
19 R2010-2085 is amended by adding the following paragraph at the end of the Resolution:

20 BE IT FURTHER RESOLVED that the automatic adjustments
21 be rounded pursuant to the following methodology:

- 22 1. Fees that are one dollar or less shall be rounded to the
23 nearest cent.
24 2. Fees that are over one dollar and up to ten dollars shall be
25 rounded to the nearest five cent increment.
26 3. Fees over ten dollars and up to one hundred dollars shall be
27 rounded to the nearest whole dollar.
28 4. Fees over one hundred dollars shall be rounded to the
29 nearest five dollar increment.

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5. When an indexed fee is half way or more between the lower increment and the higher increment, the fee will be increased to the next increment.
6. When an indexed fee is less than half way between the lower increment and the higher increment, the fee will be set to the lower increment.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2015.
SIGNED this _____ day of _____, 2015.

Mayor

City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2015-_____

4
5 AMENDING KEIZER PARK USE FEES; AMENDING
6 RESOLUTION R2012-2229.1
7

8
9 WHEREAS, the City Council established Keizer park use fees on January 4, 2010
10 by Resolution R2010-2006;

11 WHEREAS, the City Council amended the Keizer park use fees on April 16, 2012
12 by Resolution R2012-2229.1;

13 WHEREAS, Resolution R2012-2229.1 allows for the fees to be automatically
14 adjusted every three years beginning July 2012;

15 WHEREAS, the automatic adjustment did not include rounding in the indexing
16 methodology;

17 WHEREAS, the City wishes to revise the fee schedule to include rounding in the
18 indexing methodology;

19 NOW, THEREFORE,

20 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
21 R2012-2229.1 is amended by adding the following paragraph immediately prior to the
22 last paragraph:

23 BE IT FURTHER RESOLVED that the automatic adjustments
24 be rounded pursuant to the following methodology:

- 25 1. Fees that are one dollar or less shall be rounded to the
26 nearest cent.

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2. Fees that are over one dollar and up to ten dollars shall be rounded to the nearest five cent increment.
3. Fees over ten dollars and up to one hundred dollars shall be rounded to the nearest whole dollar.
4. Fees over one hundred dollars shall be rounded to the nearest five dollar increment.
5. When an indexed fee is half way or more between the lower increment and the higher increment, the fee will be increased to the next increment.
6. When an indexed fee is less than half way between the lower increment and the higher increment, the fee will be set to the lower increment.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2015.

SIGNED this _____ day of _____, 2015.

Mayor

City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2015-_____

4
5 AMENDING PLAN CHECK AND CONSTRUCTION PERMIT
6 FEES; **AMENDING RESOLUTION R2006-1697**
7

8
9 WHEREAS, the City Council established plan check and construction permit fees
10 on February 7, 2000 by Resolution R2000-1163;

11 WHEREAS, the City Council amended the plan check and construction permit
12 fees on June 19, 2006 by Resolution R2006-1697;

13 WHEREAS, Resolution R2006-1697 allows for the minimum plan check fee to be
14 automatically adjusted on July 1 each year;

15 WHEREAS, the automatic adjustment did not include rounding in the indexing
16 methodology;

17 WHEREAS, the City wishes to revise the fee schedule to include rounding in the
18 indexing methodology;

19 NOW, THEREFORE,

20 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
21 R2006-1697 is amended by adding the following language on Exhibit "A" immediately
22 following the annual increase language:

23 The automatic adjustments be rounded pursuant to the
24 following methodology:

- 25 1. Fees that are one dollar or less shall be rounded to the
26 nearest cent.

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2. Fees that are over one dollar and up to ten dollars shall be rounded to the nearest five cent increment.
3. Fees over ten dollars and up to one hundred dollars shall be rounded to the nearest whole dollar.
4. Fees over one hundred dollars shall be rounded to the nearest five dollar increment.
5. When an indexed fee is half way or more between the lower increment and the higher increment, the fee will be increased to the next increment.
6. When an indexed fee is less than half way between the lower increment and the higher increment, the fee will be set to the lower increment.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2015.

SIGNED this _____ day of _____, 2015.

Mayor

City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2015-_____

4
5 AMENDING THE APPLICATION FEE FOR PUBLIC
6 IMPROVEMENT REIMBURSEMENT DISTRICTS;
7 **AMENDING RESOLUTION R2015-2577**
8
9

10 WHEREAS, the City Council adopted Resolution R2015-2577 on June 1, 2015
11 establishing an application fee for public improvement reimbursement districts;

12 WHEREAS, Resolution R2015-2577 allows for the fees to be automatically
13 adjusted every three years beginning July 1, 2018;

14 WHEREAS, the automatic adjustment did not include rounding in the indexing
15 methodology;

16 WHEREAS, the City wishes to revise Resolution R2015-2577 to include rounding
17 in the indexing methodology;

18 NOW, THEREFORE,

19 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
20 R2015-2577 is amended by adding the following paragraph immediately below the
21 second paragraph on Page 2 (line 8):

22 BE IT FURTHER RESOLVED that the automatic adjustments
23 be rounded pursuant to the following methodology:

- 24 1. Fees that are one dollar or less shall be rounded to the
25 nearest cent.
26 2. Fees that are over one dollar and up to ten dollars shall be
27 rounded to the nearest five cent increment.
28 3. Fees over ten dollars and up to one hundred dollars shall be

1 rounded to the nearest whole dollar.
2 4. Fees over one hundred dollars shall be rounded to the
3 nearest five dollar increment.
4 5. When an indexed fee is half way or more between the lower
5 increment and the higher increment, the fee will be increased
6 to the next increment.
7 6. When an indexed fee is less than half way between the lower
8 increment and the higher increment, the fee will be set to the
9 lower increment.

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11 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
12 upon the date of its passage.

13 PASSED this _____ day of _____, 2015.

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15 SIGNED this _____ day of _____, 2015.

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18 _____
19 Mayor

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22 City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2015-_____

4
5 AMENDING THE TRANSPORTATION SYSTEM
6 DEVELOPMENT CHARGE IMPROVEMENT FEE
7 STRUCTURE; **AMENDING RESOLUTION R2014-2484**
8
9

10 WHEREAS, the City Council adopted Resolution R2005-1581 on April 4, 2005
11 establishing the transportation system development charges;

12 WHEREAS, the City Council adopted Resolution R2014-2484 on July 21, 2014
13 clarifying the intent to index the transportation system development charges;

14 WHEREAS, Resolution R2014-2484 allows for the fees to be automatically
15 adjusted on July 1 each year;

16 WHEREAS, the automatic adjustment did not include rounding in the indexing
17 methodology;

18 WHEREAS, the City wishes to revise Resolution R2014-2484 to include rounding
19 in the indexing methodology;

20 NOW, THEREFORE,

21 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
22 R2014-2484 is amended by adding the following paragraph immediately prior to the last
23 paragraph on Page 2:

24 BE IT FURTHER RESOLVED that the automatic adjustments
25 be rounded pursuant to the following methodology:

26 1. Fees that are one dollar or less shall be rounded to the

- 1 nearest cent.
- 2 2. Fees that are over one dollar and up to ten dollars shall be
- 3 rounded to the nearest five cent increment.
- 4 3. Fees over ten dollars and up to one hundred dollars shall be
- 5 rounded to the nearest whole dollar.
- 6 4. Fees over one hundred dollars shall be rounded to the
- 7 nearest five dollar increment.
- 8 5. When an indexed fee is half way or more between the lower
- 9 increment and the higher increment, the fee will be increased
- 10 to the next increment.
- 11 6. When an indexed fee is less than half way between the lower
- 12 increment and the higher increment, the fee will be set to the
- 13 lower increment.
- 14

15 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

16 upon the date of its passage.

17 PASSED this _____ day of _____, 2015.

18

19 SIGNED this _____ day of _____, 2015.

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23 Mayor

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25 _____

26 City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2015-_____

AMENDING WATER SERVICE CONNECTION FEES AND
RELATED SERVICE FEES; **AMENDING RESOLUTION
R2006-1724**

WHEREAS, the City Council established water meter set fees and related service fees on August 21, 2006 by Resolution R2006-1724;

WHEREAS, the City Council amended the term “meter set” to “service connection” on July 21, 2014 by Resolution R2014-2485;

WHEREAS, Resolution R2006-1724 allows for the fees to be automatically adjusted on July 1 each year;

WHEREAS, the automatic adjustment did not include rounding in the indexing methodology;

WHEREAS, the City wishes to revise the fee schedule to include rounding in the indexing methodology;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2006-1724 is amended by adding the following paragraph immediately prior to the last paragraph:

BE IT FURTHER RESOLVED that the automatic adjustments be rounded pursuant to the following methodology:

1. Fees that are one dollar or less shall be rounded to the

- 1 nearest cent.
- 2 2. Fees that are over one dollar and up to ten dollars shall be
- 3 rounded to the nearest five cent increment.
- 4 3. Fees over ten dollars and up to one hundred dollars shall be
- 5 rounded to the nearest whole dollar.
- 6 4. Fees over one hundred dollars shall be rounded to the
- 7 nearest five dollar increment.
- 8 5. When an indexed fee is half way or more between the lower
- 9 increment and the higher increment, the fee will be increased
- 10 to the next increment.
- 11 6. When an indexed fee is less than half way between the lower
- 12 increment and the higher increment, the fee will be set to the
- 13 lower increment.
- 14

15 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

16 upon the date of its passage.

17 PASSED this _____ day of _____, 2015.

18

19 SIGNED this _____ day of _____, 2015.

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23 Mayor

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25 _____

26 City Recorder

COUNCIL MEETING: September 8, 2015

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: E. SHANNON JOHNSON
CITY ATTORNEY**

SUBJECT: TEMPORARY USE AND ASSOCIATED SIGNAGE – TOWN AND COUNTRY LANES

Donald and Anna Lebold (owners of Town and Country Lanes) have been working with the Keizer Public Arts Commission relating to a community Public Mural at their establishment. The actual Public Mural will not be installed until spring 2016, but the Keizer Public Arts Commission would like to prepare the wall for the Public Mural and put in temporary signage announcing the coming Public Mural. However, this signage would be in violation of the Keizer Development Code (Sign Code) without some special exemption or permission. A temporary banner could be allowed, but the Keizer Public Arts Commission wanted to have something that was more durable. To allow this, the Council would need to recognize this as a temporary use for a specific event.

In 2004, the City Council passed Ordinance 2004-489, amending Section 2.203 of the Keizer Development Code (Ordinance No. 98-389), which regulates “Permitted Temporary Uses”. This amendment affords Council discretion in authorizing “additional temporary uses” during a specific event or festival, and specifically allows for the council to authorize temporary signage in conjunction with a temporary use. The Development Code reads as follows:

Additional Permitted Temporary Uses. The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the Council finds necessary to protect the health, safety and welfare of the Public. (Section 2.203.04.E)

The Public Mural proposed at Town and Country Lanes is proposed to be a community event which is beneficial to the citizens of Keizer. The Keizer Public Arts Commission (KPAC) is proposing temporary signage as follows:

Join Keizer’s mural project 2016. www.keizer.org

I have attached a proposed Resolution approving the temporary signage and special event for your consideration. In addition, I have added language in the Resolution to allow KPAC to modify the wording if they feel it appropriate.

RECOMMENDATION:

Adopt the attached Resolution Authorizing Temporary Use and Signage for Public Mural at Town and Country Lanes.

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2015-_____

3 AUTHORIZING TEMPORARY USE AND SIGNAGE FOR
4 PUBLIC MURAL AT TOWN AND COUNTRY LANES

5

6 WHEREAS, the Keizer Development Code provides pursuant to Section
7 2.203.04(E) that the City Council may by resolution authorize temporary uses and signage
8 during a specific event or festival;

9 WHEREAS, the Keizer Development Code also provides that the Council may set
10 forth the reasonable types of uses, zones and time restrictions;

11 WHEREAS, the Keizer Public Arts Commission has requested the Council to
12 authorize a temporary use for the Public Mural at Town and Country Lanes, including,
13 but not limited to placement of temporary signage to promote such Public Mural;

14 WHEREAS, the City Council has considered this matter and finds that it is
15 appropriate to grant the request with certain restrictions necessary to protect the health,
16 safety and welfare of the public;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that the proposed
19 Public Mural at Town and Country Lanes is authorized as a specific temporary use and

PAGE 1 - Resolution R2015-_____

Attorney

Keizer City

930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

1 the signage for the temporary use is hereby allowed pursuant to the design, restrictions
2 and conditions as set forth in the attached Exhibit "A" which is incorporated herein by
3 this reference.

4 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
5 on the date of its passage.

6 PASSED this _____ day of _____, 2015.

7 SIGNED this _____ day of _____, 2015.

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Mayor

City Recorder

EXHIBIT "A"

Design, Restrictions and Conditions

The City Council approves the proposed temporary use and signage for the public mural at Town and Country Lanes as follows:

1. The temporary use and signage shall be installed no earlier than the date the Art Easement is fully executed by the owners of Town and County Lanes and must be removed no later than June 30, 2016.
2. The temporary signage shall be installed on the north wall of Town and County Lanes only.
3. The temporary signage shall promote the community public mural project with the following language:

Join Keizer's mural project 2016. www.keizer.org

The Keizer Public Arts Commission may make minor modifications to this message if the Commission deems it appropriate.



MINUTES
KEIZER CITY COUNCIL
Monday, August 3, 2015
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Cathy Clark, Mayor
Dennis Koho, Council President
Marlene Parsons, Councilor
Amy Ripp, Councilor
Brandon Smith, Councilor
Kim Freeman, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Bill Lawyer, Public Works Director
John Teague, Police Chief
Tim Wood, Assistant Controller
Tracy Davis, City Recorder

Absent:

Roland Herrera, Councilor

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

**a. Appointment to
Keizer Public
Arts
Commission**

City Manager, Chris Eppley, reported that following publication of notice of a vacancy on the Public Arts Commission and acceptance of testimony from the applicant, the Volunteer Coordinating Committee unanimously recommended Jessi Long to fill the vacancy.

Councilor Koho moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Jessi Long to position number 7 on the Public Arts Commission.
Councilor Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, and Ripp (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Herrera (1)

**PUBLIC
TESTIMONY**

Lyndon Zaitz, Keizer, extended an invitation to the 2015 Riverfair at Keizer Rapids Park and reviewed the planned entertainment and activities.

Rhonda Rich, Keizer, speaking both as a citizen and as President of the

West Keizer Neighborhood Association, voiced concern about fire danger because of the hot, dry summer. She suggested that signage be placed at Keizer Rapids Park banning smoking and fire pits. Public Works Director Bill Lawyer responded that signs would be posted at all at-risk parks.

Darrell Richardson, Keizer, inquired about the status of his request to prohibit smoking at Sunset Park. Councilor Parsons responded that the Parks Advisory Board had discussed this and they were opposed to banning smoking. Mr. Richardson noted that other Oregon cities and counties prohibit smoking and urged that Council not rely solely on recommendations from the Parks Board. Mayor Clark suggested that a joint work session be held including the Parks Board and experts to address health issues related to smoking and benefits of smoking bans.

Mayor Clark welcomed Colleen Bush from the Salem Keizer Transit Board in the audience.

PUBLIC HEARINGS

None

ADMINISTRATIVE ACTION

a. RESOLUTION – Authorization for Supplemental Budget – Parks Matching Grant Program

Assistant Controller Tim Wood explained that in June 2015 the Parks Board approved a matching grant for \$5,000 for concrete work at Keizer Rotary Amphitheater but because of the hot weather, the project was postponed to the next fiscal year so appropriations lapsed and went back into the fund. The Board has since then reapproved the project and staff is requesting that the appropriations from last year be moved into the current fiscal year.

Councilor Koho moved that the Keizer City Council adopt a Resolution - Authorization for Supplemental Budget – Parks Matching Grant Program. Councilor Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, and Ripp (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Herrera (1)

b. Request for Allowance of Additional Concert and Movie at Keizer Rotary Amphitheatre

City Attorney Shannon Johnson explained that KRA and Clint Holland are requesting that Council allow the addition of another concert and a movie to the summer lineup at the Keizer Rotary Amphitheater. Mr. Holland fielded questions from Council regarding finances, concessions, allowing the audience to bring in water, and setting up a 'cooler fee', and thanked the Keizer Police Department.

Councilor Koho moved to permit KRA to add two additional events this year. Councilor parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, and Ripp (6)

NAYS: None (0)

ABSTENTIONS: None (0)

CONSENT CALENDAR

ABSENT: Herrera (1)

- a. RESOLUTION – Authorizing the City Manager to Enter into Lease Agreement with Ricoh USA Inc. for Community Development Copier

Councilor Koho moved to approve the Consent Calendar. Councilor Parsons seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ripp and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

COUNCIL LIAISON REPORTS

Councilor Freeman announced the upcoming National Night Out event and encouraged everyone to get out and meet their neighbors.

Councilor Smith announced upcoming Community Build Task Force and Planning Commission meetings.

Councilor Ripp provided information regarding various Chamber events, Keizer Network of Women (KNOW), Traffic/Bikeways/Pedestrian Committee, Arts Commission, and the Keizer Fire Board.

Councilor Parsons reported that the Community Build Task Force raised 101% of the fundraising goal. The new Task Force will continue fundraising efforts and volunteer recruitments for repair and maintenance of the Big Toy. The open house/dedication is August 29.

Mayor Clark praised Keizer Home Grown Theater for their production of Midsummer's Night's Dream at Shakespeare in the Park. She reviewed meetings/events she had attended including Oregon Municipal Planning Organization Consortium (OMPOC), Mid-Willamette Area Commission on Transportation (MWACT), Community Conversations and Oregon Mayor's Association. She also urged citizens to make use of the Chamber Community Calendar.

OTHER BUSINESS

Police Chief John Teague reminded everyone of National Night Out.

Public Works Director Bill Lawyer reported that waterline and roundabout work is progressing, work on Area C is beginning. He added that the Statesman Journal had falsely reported that Keizer is under Stage 1 Water Conservation Alert; water levels in Keizer are normal for this time of year.

City Attorney Shannon Johnson reported that the City had received a proposal from Shurter Enterprises LLC to farm the filbert orchard by Keizer Rapids Park. Mr. Johnson indicated that Council had discussed the matter in Executive Session and time is of the essence so that the farmer can have time for maintenance and harvest. The contract would be for 15% net profits for rent, for this season only, and he would remove any dead trees at the conclusion of the lease period (November 30, 2015).

Councilor Koho moved to suspend the rules so that this matter can be considered. Councilor Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, and Ripp (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Herrera (1)

Councilor Koho moved that Keizer City Council delegate to the City Manager authorization to enter into negotiation for a contract for the care of the hazelnut orchard with 15% net profit rent, for this season including removing dead trees and other issues that were raised by the City Attorney. Councilor Parsons seconded. Motion passed as follows:

AYES: Clark, Koho, Parsons, Freeman, Smith, and Ripp (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Herrera (1)

WRITTEN COMMUNICATIONS

Mayor Clark reported that she had received a note from one of the wood carvers who was unhappy about not being allowed to do wood carving during concerts at the park. There will likely be more conversation about that.

AGENDA INPUT

August 10, 2015

5:45 p.m. – City Council Work Session

- Tour of Salem Keizer School District Career and Technical Education Campus

August 17, 2015

7:00 p.m. – City Council Regular Session

September 8, 2015 (Tuesday)

7:00 p.m. – City Council Regular Session

September 14, 2015

5:45 p.m. – City Council Work Session

- Annual Keizer Parks Tour

ADJOURNMENT

Mayor Clark adjourned the meeting at 7:57 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

~ Absent ~

Councilor #1 – Dennis Koho

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ripp

Councilor #3 – Marlene Parsons

Councilor #6 – Brandon Smith

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL WORK SESSION
Monday, August 10, 2015
Keizer Civic Center
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 5:45 p.m. Attendance follows:

Councilors Present:

Cathy Clark, Mayor
Dennis Koho, Council President
Marlene Quinn, Councilor
Brandon Smith, Councilor
Kim Freeman, Councilor

Councilors Absent:

Amy Ripp, Councilor
Roland Herrera, Councilor

Staff Present:

Nate Brown, Community Development
Tracy Davis, City Recorder

DISCUSSION **Salem-Keizer School District Career and Technical Education**

Center: Attendees carpooled to Salem Keizer School District Career and Technical Education Center located at 3501 Portland Road NE, Salem, for a tour of the new facility. The tour was led by Charles Lee, President, and John Honey, Principal. The facility will open to students in the fall of 2015. A Dedication ceremony is planned for October 9 at 10:30 a.m.

OTHER BUSINESS: None

ADJOURN Mayor Clark adjourned the meeting at 6:45 p.m.

APPROVED:

Mayor – Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Dennis Koho

~ Absent ~

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

~ Absent ~

Councilor #5 – Amy Ripp

Councilor #3 – Marlene Quinn

Councilor #6 – Brandon Smith

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL
Monday, August 17, 2015
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Cathy Clark, Mayor
Amy Ripp, Councilor
Brandon Smith, Councilor
Kim Freeman, Councilor
Roland Herrera, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community
Development Director
Bill Lawyer, Public Works Director
John Teague, Police Chief
Tim Wood, Assistant Controller
Tracy Davis, City Recorder

Absent:

Dennis Koho, Council President
Marlene Parsons, Councilor

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

None

**COMMITTEE
REPORTS**

Richard Walsh provided an update on Parks Board activities including Parks Matching Grant program projects and review of plans for the upcoming Council Parks Tour. He reported that 101% of the Big Toy fundraising goal was met and efforts are continuing to secure funding for the poured-in-place rubber surface to increase accessibility to handicapped and elderly.

Garry Whalen reported that the Planning Commission had considered registration of vacant property to help code enforcement deal with neglected properties and how to deal with abandoned grocery carts.

**PUBLIC
TESTIMONY**

Mayor Clark read a letter from Scott Amlin requesting that a "Quite Zone" at the Chemawa Road railroad crossing be established between the hours of 10 p.m. and 6 a.m. She asked Public Works Director Bill Lawyer to look into this and come back to Council with a recommendation.

**PUBLIC
HEARINGS**

Community Development Director Nate Brown explained that the revisions govern compatibility with existing neighborhoods, parking, access easements, and building design. He noted that the Planning

**a. Keizer
Development
Code Text
Amendment -
Infill**

Commission had discussed the matter over three meetings, and staff met with builders, developers, and the Salem-Keizer Home Builders Board to solicit comments. Mr. Brown reviewed the changes, fielded questions, and provided clarification. Councilors suggested areas where clarification in the code was needed with City Attorney Shannon Johnson agreeing to rewrite as needed.

Mayor Clark opened the Public Hearing. Hearing no testimony, Mayor Clark closed the Public Hearing.

Councilor Smith moved that Keizer City Council direct staff to prepare an ordinance with findings to support the proposed revisions to the Development Code related to Infill with three amendments: (1) Section 2.316.01B changing the word 'protect' to 'conserve', (2) Section 2.316.04B adding the word 'process' at the end of the sentence on line 5, and (3) Section 2.302.03O add "Streetscape trees are required along public streets, shall comply with the provisions of Section 2.309, and must be located according to the following provisions". Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Freeman, Smith, Ripp and Herrera (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho and Parsons (2)

**b. RESOLUTION -
Adopting Use
Policies and
Rates for the
Keizer
Community
Center Rooms;
Repealing R90-
495, R2006-
1699, R2009-
1937 and
R2011-2131**

City Recorder Tracy Davis reviewed the history of the Keizer Community Center and directed attention to her staff report which provided details regarding the rate structure. She noted that review of the rates and comparison to other venues took place during the past year and staff is recommending changing the rates and providing various discounts.

Mayor Clark opened the Public Hearing.

Joann Beilke, Keizer, Event Coordinator for Keizer Heritage Center, explained that cooperation between the City and the Center has been exceptional with each referring business to the other. She suggested that the City clarify a non-profit organization (501c3 or 501c6) and change the minimum rental time from 3 to 4 hours. She voiced opposition to the 25% Keizer citizen/government partner discount stating that this is competition to the Center and suggested that the 25% discount apply only to the medium and large rooms.

With no further testimony Mayor Clark closed the Public Hearing.

Councilor Smith moved that the Keizer City Council adopt a Resolution Adopting Use Policies and Rates for the Keizer Community Center Rooms; Repealing R90-495, R2006-1699, R2009-1937 and R2011-2131. Councilor Freeman seconded.

Responding to inquiry, Mr. Eppley noted that the operation of the Community Center is subsidized by almost \$90,000 taxpayer dollars.

The following friendly amendments were incorporated into the motion:

- Replace the 501c with 501c3
- Specify that the Keizer resident discount is for 'personal use'
- Specify that the 20% government and 25% Keizer resident discounts are for medium and large rooms only (small rooms are not discounted)

Motion passed as follows:

AYES: Clark, Freeman, Smith, Ripp and Herrera (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho and Parsons (2)

ADMINISTRATIVE ACTION

a. Marijuana Issues Raised by 2015 Legislature

City Attorney Shannon Johnson reviewed issues raised by the 2015 Legislature regarding marijuana and questioned if Council wanted to:

1. Ban either early sales of medical marijuana at medical marijuana facilities or permanent marijuana facilities,
2. Regulate recreational marijuana in the same manner as medical marijuana,
3. Impose a tax of up to 3% on commercial retail sales of marijuana, and
4. Direct staff with regard to dealing with the other marijuana activities.

Council

- Had no direction regarding early sales (1),
- Wished to have the same regulations in place for recreational marijuana as for medical marijuana (2),
- Wished to keep the tax at 10% and monitor (3), and
- Wished to look at regulations dependent on what the State does (4).

b. ¹ RESOLUTION – Authorization for Appropriations Transfer – Municipal Court Staffing

Assistant Controller Tim Wood explained that the current City Budget provides for one full-time equivalent employee in the Municipal Court area, but additional resources are necessary when Court is in session. Therefore, staff is requesting appropriation for 4 hours of staff time each week to be staffed with existing staff by reallocating workloads.

Councilor Smith moved that Keizer City Council adopt a Resolution Authorization for Appropriations Transfer – Municipal Court Staffing. Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Freeman, Smith, Ripp and Herrera (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho and Parsons (2)

CONSENT CALENDAR

- a. RESOLUTION – Authorizing the City Manager to Purchase 2015 Ford F150 4x2 Pickup Truck for Public Works Department
- b. Approval of July 20, 2015 Regular Session Minutes

Councilor Smith moved to approve the Consent Calendar. Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Freeman, Smith, Ripp and Herrera (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho and Parsons (2)

COUNCIL LIAISON REPORTS

Councilor Freeman thanked Officer Goodman for escorting her at National Night Out; announced the upcoming Volunteer Coordinating Committee meeting and reported on the Parks Advisory Board meeting that she had attended for Councilor Parsons. She praised Ben Crosby for his customer service as Code Enforcement Officer, praised the Career and Technical Center which Council had toured, and invited everyone to the Big Toy Grand Opening on August 29.

Councilor Ripp shared activities of the Traffic Safety/Bikeways/Pedestrian Committee and Arts Commission, noted that Keizer Chamber office has moved, praised the Keizer Men of Action group, announced plans of the Keizer Network of Women, and added that she had attended 'Coffee with Cathy' and officiated at Hoopla.

Councilor Smith thanked Carrie Anderson for escorting him on National Night Out and invited every to the Big Toy Grand Opening.

Councilor Herrera reported that he enjoyed National Night Out with Officer Rickets, had attended a music convention, the County Commissioner breakfast and a community project at Kennedy School. He added that his home town in Texas is in the Little League World Series tournament at Alpenrose.

Mayor Clark thanked Officer Troncoso for escorting her on National Night Out, Officer Cummings and the Keizer Cadets for assistance at the free concerts, Jerry Nuttbrock for his work at the amphitheater, and Colleen Bush (Keizer Transit) and Betty Hart (Fire District) for joining her at her monthly 'Coffee with Cathy'. She wished Officer Troncoso and Rita Powers happy retirement and announced the McNary Turf dedication event and a reception to celebrate the first district-wide Access to Student Assistance Programs in Reach of Everyone (ASPIRE) program. She also reviewed meetings and events she had attended including Mid-Willamette Area Commission on Transportation (MWACT) and a tour of the Salem-Keizer Education Foundation facility.

OTHER BUSINESS

a. Surplus Property Report Fiscal

City Manager Chris Eppley explained that City Ordinance requires that staff provide a surplus property report to Council each year for the previous fiscal year. No action is required. Council had no questions.

Chief Teague noted that 36 neighborhoods participated in the National Night Out event and that is a very high per capita participation. He added that this is a reflection of the good people who live in Keizer and the high

Year 2014-2015 livability of Keizer.

Community Development Director Nate Brown announced that the Marion County Economic Development Board has recommended to the County Commissioners that he be appointed to the board.

**WRITTEN
COMMUNICATIONS**

Mayor Clark read a letter requesting that the amount of hens allowed be increased to 6 – similar to that allowed in Salem and announced that she had received notice of the closure of Haggen’s (formerly Albertson’s) in the Creekside Shopping Center. She also indicated that she wished to share with Council the United States Conference of Mayors Business Council Best Practices Report - Mayors and Businesses Driving Economic Growth.

AGENDA INPUT

September 8, 2015 (Tuesday)

7:00 p.m. – City Council Regular Session

September 14, 2015

5:45 p.m. – City Council Work Session

- Annual Keizer Parks Tour

September 21, 2015

7:00 p.m. – City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 7:57 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

~ Absent ~

Councilor #1 – Dennis Koho

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ripp

~ Absent ~

Councilor #3 – Marlene Parsons

Councilor #6 – Brandon Smith

Minutes approved:_____