

## **AGENDA**

### **KEIZER CITY COUNCIL** **REGULAR SESSION**

Monday, August 17, 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**
5. **COMMITTEE REPORTS**

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. Keizer Development Code Text Amendment - Infill

b. **RESOLUTION** – Adopting Use Policies and Rates for the Keizer Community Center Rooms; Repealing R90-495, R2006-1699, R2009-1937, and R2011-2131

8. **ADMINISTRATIVE ACTION**

a. Marijuana Issues Raised by 2015 Legislature

b. **RESOLUTION** – Authorization for Appropriations Transfer – Municipal Court Staffing

9. 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

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.*

- a. Surplus Property Report Fiscal Year 2014-2015

12. WRITTEN COMMUNICATIONS

*To inform the Council of significant written communications.*

13. 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

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.*

**COUNCIL MEETING: August 17, 2015**  
**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**  
**THROUGH: CHRIS EPPLEY, CITY MANAGER**  
**NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR**  
**FROM: SAM LITKE, SENIOR PLANNER**

**SUBJECT: Text amendments related to infill**

**Attachments:**

- 2.314 (Standards for Single Family Dwellings)
- 2.316 (Infill Development)
- 2.315 (Development Standards)
- 2.102 (Residential Single Family)
- 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)
- 2.303 (Off-Street Parking and Loading)
- 1.200 (Definitions)
- 2.310 (Development Standards for Land Divisions)
- 2.311 (Planned Unit Development)
- 3.106 (Lot Line Adjustment)

**ISSUE:**

The proposed code revisions relate to infill and infill development regulations. The Planning Commission unanimously recommended that the revisions be adopted.

**DISCUSSION:**

This item was identified as one of the City Council's goals. The revisions govern compatibility with existing neighborhoods, parking, access easement, and building design. The Planning Commission discussed this matter at their February, May, June and July meetings. Staff met with builders, 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. The proposed text amendments have been grouped in four broad categories and are discussed below:

1. *Infill and dual code* – One of the main problems with the infill regulations was that it created 2 distinct types of development requirements, those which governed "infill" as defined in Section 2.316 and regulations which governed all other new 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, landscaping and fencing that will mitigate the anticipated development. It is not intended that this plan be developed by an engineer, surveyor, or architect as it is anticipated that the applicant will be able to provide this information from easily available material. This information will allow immediately abutting property owners to better understand how the property is proposed to be developed.

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.

2. *Single family and multi-family design considerations* – Section 2.316 now contains design standards for new single family dwellings and for multi-family developments. While much of this section is proposed to be eliminated, the provisions it contained 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.
  - A) *Single family* - The list of design options is proposed to be 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. The design options include:
    - Dormers;
    - Gables;
    - Recessed entries;
    - Covered porch with front door entry facing the front lot line;
    - Cupolas;
    - Pillars or posts;
    - Bay, bow windows, or window shutters;
    - Eaves (minimum 6" projection);
    - Off-sets on building face or roof (minimum 16")
    - Window (s) facing the street or access easement have a minimum area of not less than 24 square feet.
    - A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding, shakes, etc)

In addition to the above 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. These design options include:

- 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 pavement treatments, and/or vertical landscape features, and includes a variety of materials and textures such as stamped concrete, pavers, bricks, columns, ornamental rocks, etc.

If the garage door is recessed less than 5 feet, or is even with the front building façade, then **one** additional design features is required. If the garage door protrudes up to 5 feet from the front building façade then **two** additional design features are required. If the garage door is more than 5 feet from the front building façade then **three** additional design features are required.

B) Multi-family- The design standards for new multi-family developments would be deleted from Section 2.316 and included within 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 be used in the design of multi-family buildings.

3. *Access easement / parking* – The Planning Commission has recommended that lots developed along an access easement need to provide a turn around and also adequate parking since parking is prohibited within an access easement. 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 would 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 from an access easement would be required as is noted in Section 2.102 (Residential Single Family); 2.103 (Limited Density Residential); 2.104 (Medium Density Residential); 2.107 (Mixed Use); 2.118 (Urban Transition).
4. *Other associated revisions* – This category includes minor changes due to renumbering, or deletions. These include: Section 2.129.05 revisions due to a renumbering change in another section; Section 1.200 contains revisions to definitions from 2.316 that are deleted; and Section 2.310, and others deleting references to 2.316 that no longer apply

**RECOMMENDATION:**

That the City Council open the public hearing to consider the proposed text amendments, and direct staff to prepare an ordinance with findings to support the proposed revisions.

## 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 according to the following provisions:

- a. Trellis in front of the garage.
  - b. 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.
  - c. Additional gables including one above the garage.
  - d. Windows in garage door.
  - e. Decorative garage doors which incorporate architectural design elements such as stable doors etc.
  - f. Landscaping which includes a variety of trees and other planting materials to visually mitigate the garage, which is in addition to required landscaping.
  - g. Added architectural feature(s) using materials, textures, and / or design features in the plane of the garage.
  - h. 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.
3. 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.
  4. If garage door protrudes 5 feet or less from the front building plane then **two** additional design features from the above list is required.
  5. If garage door protrudes more than 5 feet from the front building plane then **three** additional design features from the above list is required.

## 2.316 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 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 ~~s~~ 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

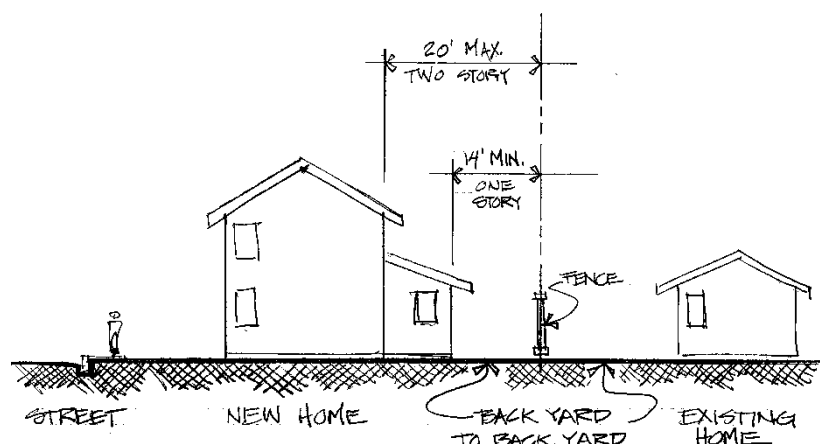
A. ~~— Application Process. An application for development projects wishing to utilize infill development standards shall follow the applicable land division process, such as a partition, subdivision, or planned unit development.~~ (01/02)

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)~~

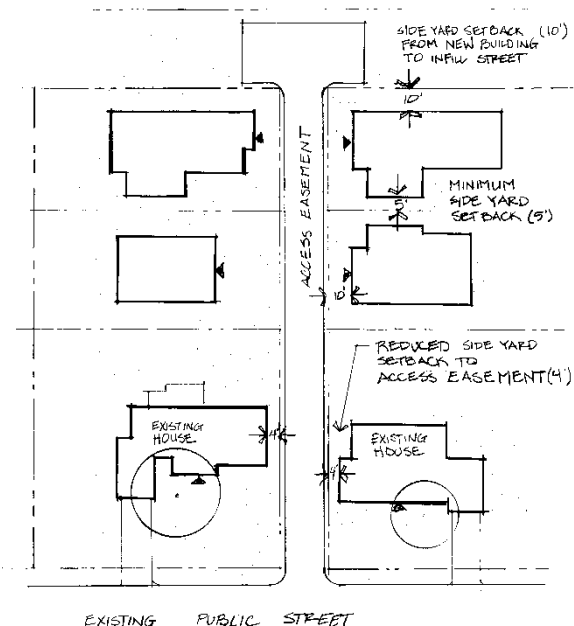
### 2.316.08 Turning Radius **COVERED IN 2.302 also eliminate infill streets**

~~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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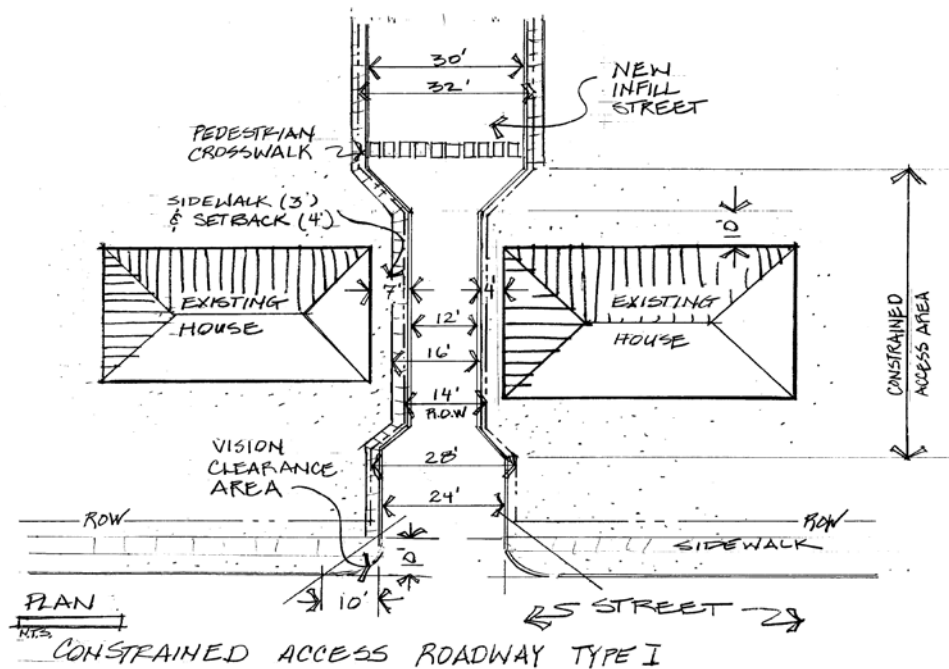
~~Constrained access roadways meeting City minimum standards defined below, shall be an acceptable alternative means of providing vehicular access to infill parcels, when infill streets defined in Section 2.316.06 cannot be used to gain access to infill parcels. Any request for constrained access roadways 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)~~

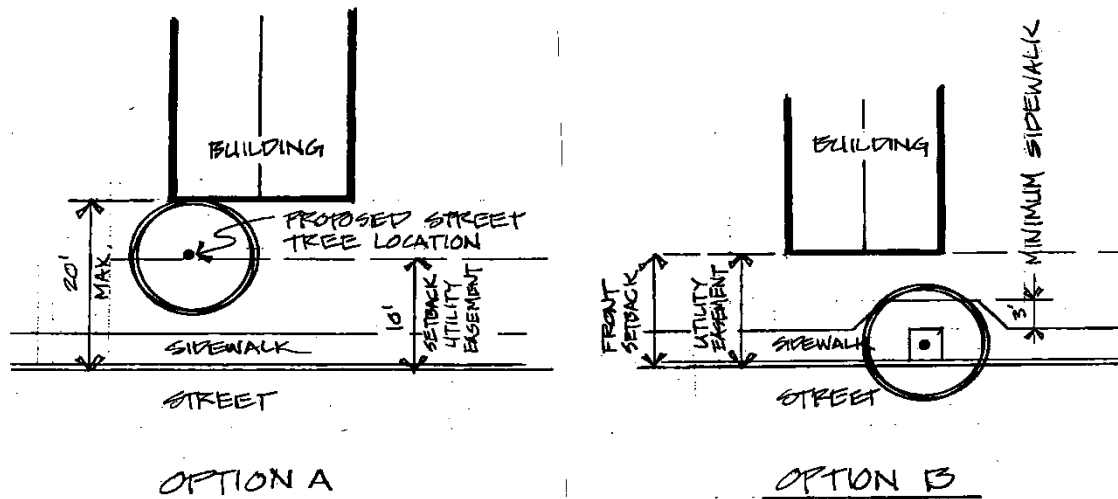
~~Streetscape trees along infill streets and access easements must be located according to one of the following provisions: (01/02)~~

- ~~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. 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)
  4. ~~Recessed entries; (01/02)~~

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

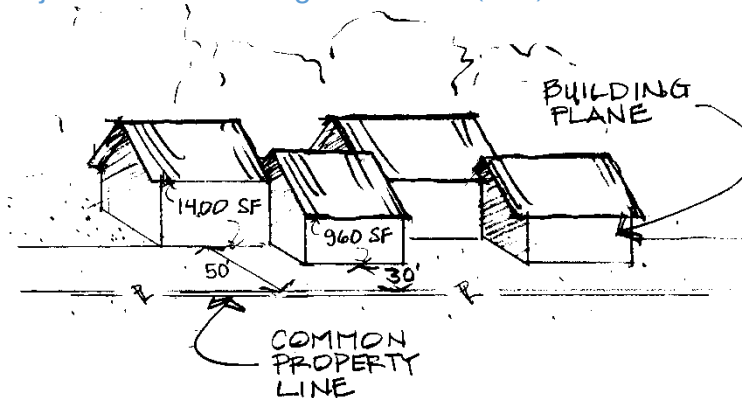
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Increased setback is intended to be the primary method used to mitigate negative impacts between structures. Landscaping (screening and/or plan materials) may be employed as an adequate measure of mitigation on a case-by-case basis, depending on the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

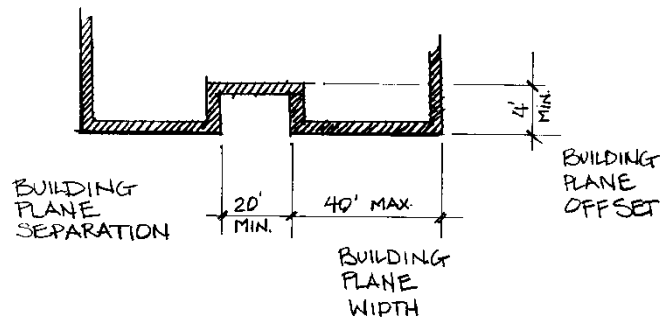
B. ~~Building planes for multifamily dwellings within 50 feet of the common property line and facing the property line shall be subject to the following standards: (01/02)~~



(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)



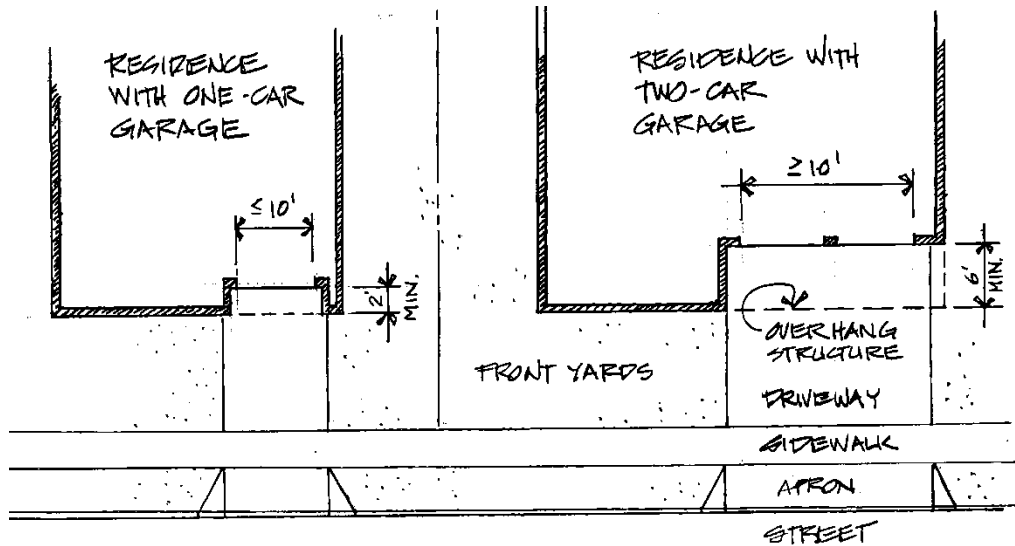
- (4) ~~Building planes are defined as the plane of a building wall that extends from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height.~~ (01/02)

~~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)

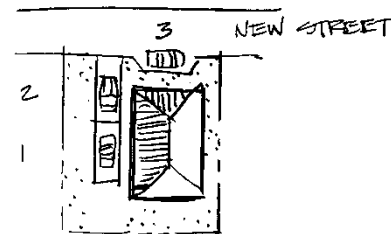


2.316.16 Infill Parking MOVED INTO  
2.102.06

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)

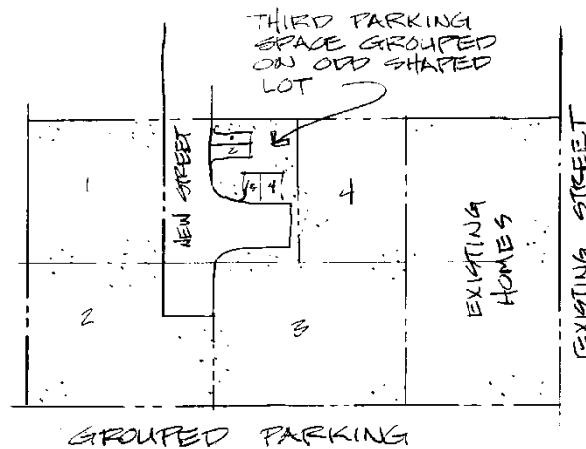
C. A parking plan shall be required for all infill development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots. (01/02)



TANDEM PARKING

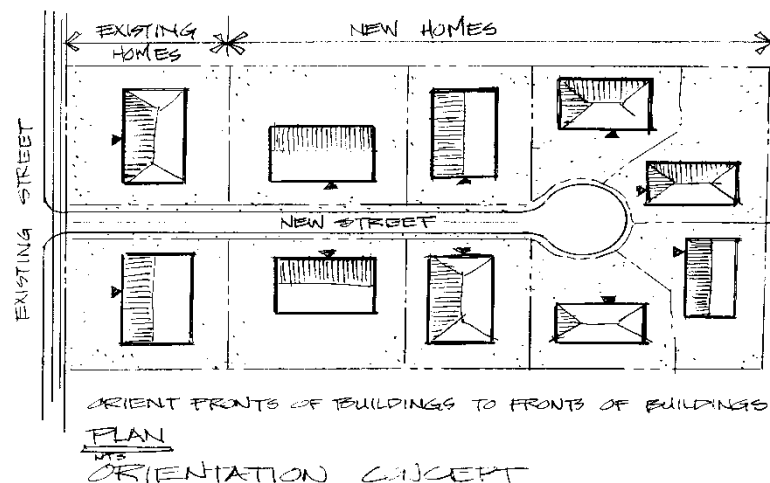
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2.316.17 Building Orientation **COVERED IN 2.314**

~~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)

## 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)

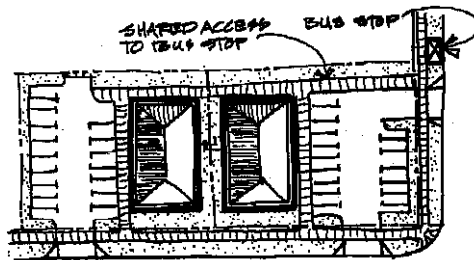
#### **2.315.05 Non-Conforming Buildings**

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)

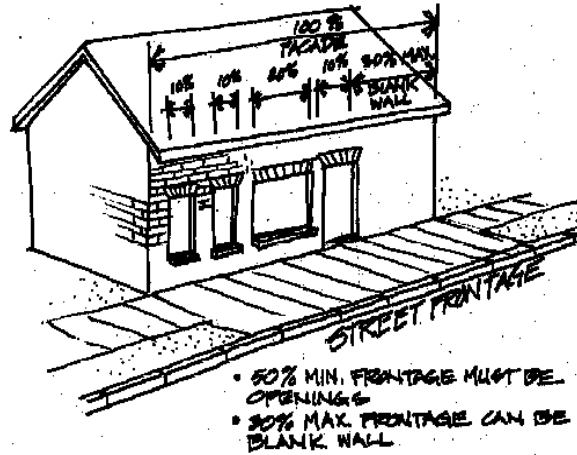
B. Building Design

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)

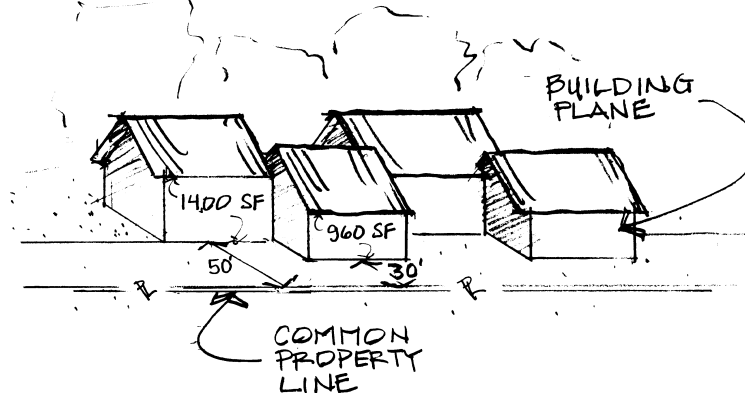
F. Transit Access

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)

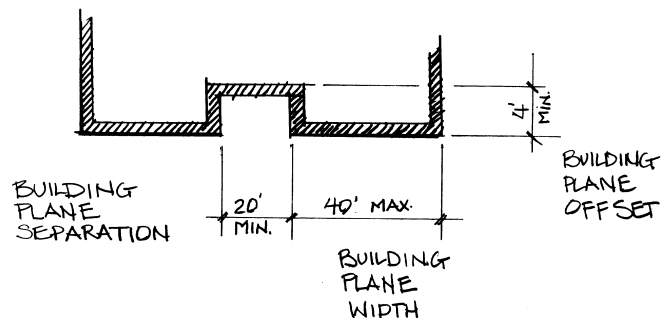
1. Walkways shall be provided connecting building entrances and streets adjoining the site; (07/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed 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)

## **2.102 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.<br>(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.<br>(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<br>(5)        | Single Family<br>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<br>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 units<sup>1</sup> (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**

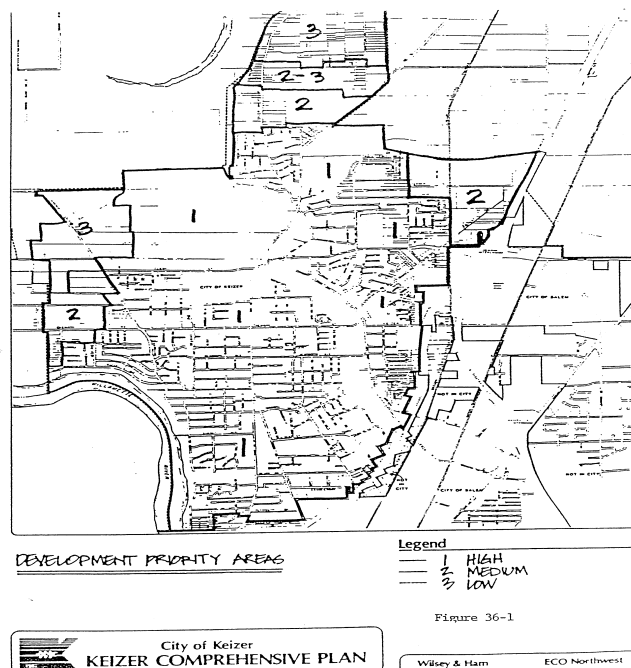
All development in the UT Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- 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)

## 2.302 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**

| <b>Posted Speed<br/>(miles per hour)</b> | <b>Minimum<br/>Spacing (feet)</b> |
|------------------------------------------|-----------------------------------|
| 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 along public streets 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 <sup>1</sup> | Number of Lanes | Parking          | Bike Lanes <sup>2</sup> | Roadway Width (ft) <sup>3</sup> | Sidewalks        | Right-of-Way Width (ft) <sup>4,5</sup> | Maximum Dwelling Units Served |
|----------------------------------------|-----------------|------------------|-------------------------|---------------------------------|------------------|----------------------------------------|-------------------------------|
| Major Arterial                         | 5               | No <sup>6</sup>  | Yes                     | 50-72                           | Yes              | 84                                     | -                             |
| Minor Arterial                         | 3               | No <sup>6</sup>  | Yes                     | 36-50                           | Yes              | 72                                     | -                             |
| Collector 2                            |                 | No <sup>6</sup>  | 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 <sup>7</sup> | No                      | 28                              | Yes <sup>7</sup> | 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

<sup>1</sup> 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.

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

<sup>3</sup> 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

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

<sup>5</sup> 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.

<sup>6</sup> Depending on installed improvements

<sup>7</sup> Parking/sidewalks only required on one side of street

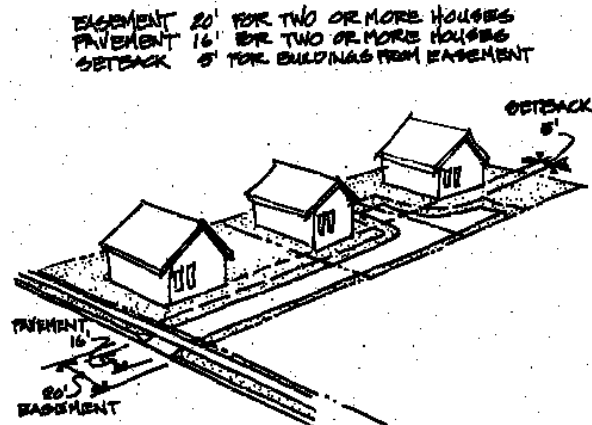
2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or
  3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; 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)

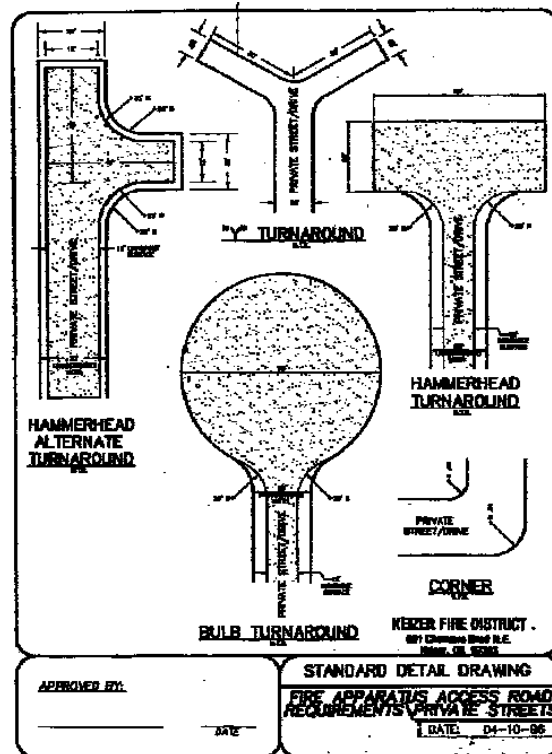
- A. Width. Private access easements shall only be allowed where the applicable criteria of Section 2.310.03.D. are satisfied. The easement shall comply with the following standards: (5/98)
1. Minimum width: 14 feet for 1 dwelling unit; 20 feet for two or more dwelling units with no on-street parking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

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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.

## **2.129 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)

## **2.303 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)

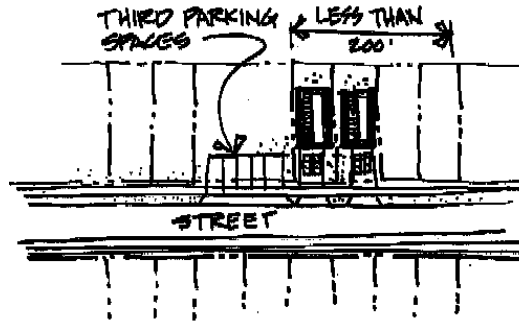
### **2.303.06 Off-Street Automobile Parking Requirements**

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                                                    |



3<sup>rd</sup> 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<br>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

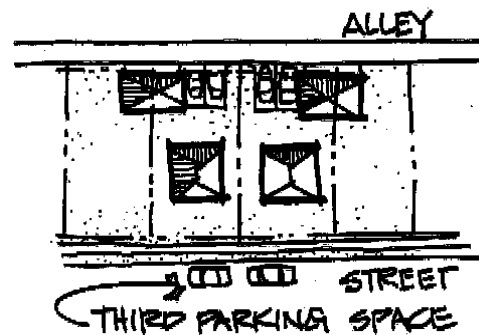
The number of minimum required parking spaces may be reduced by up to 10% if transit related amenities such as transit stops, pull-outs, shelters, park and ride lots, transit oriented developments and is when abutting a street with transit service are provided. (07/06)

#### 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)

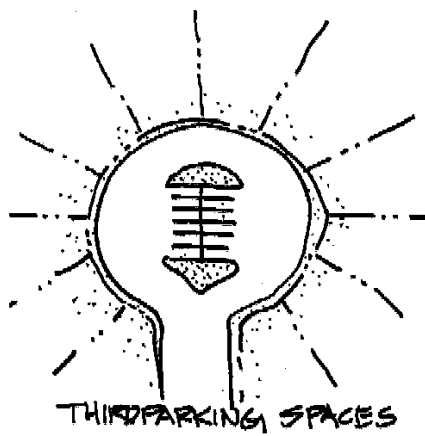


3<sup>rd</sup> Parking Space on Alley

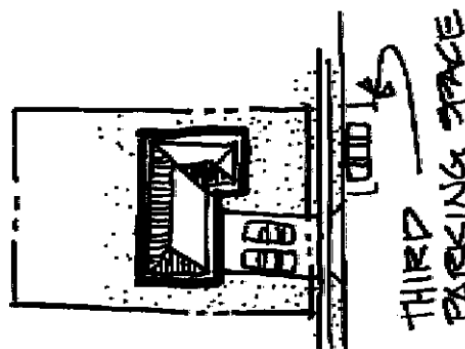
ALL

## **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)



3<sup>rd</sup> Parking Space in Cul-De-Sac

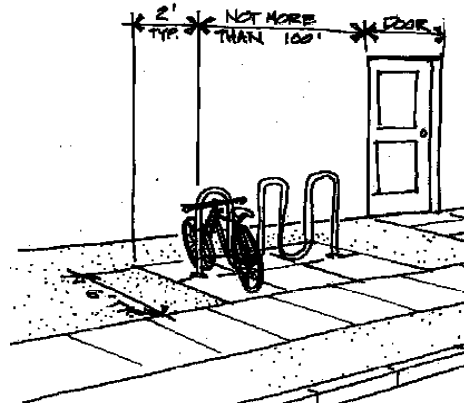


3<sup>RD</sup> PARK SPACE PROVIDED ON-STREET

| 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

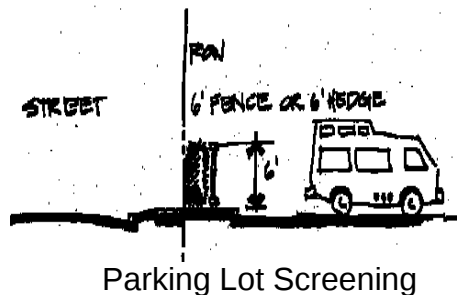
The following minimum aisle dimensions shall apply: (5/98)

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)

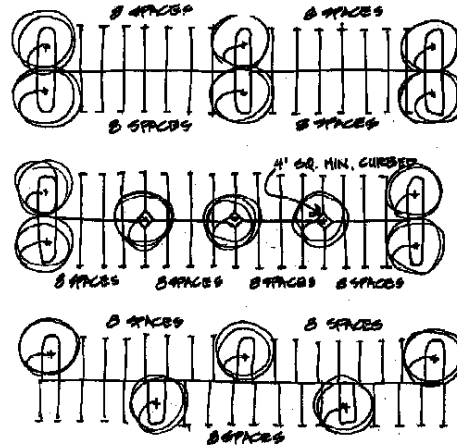
| PARKING ANGLE | AISLE WIDTH |
|---------------|-------------|
| 0 to 40       | 14 feet     |
| 41 to 55      | 15 feet     |
| 56 to 70      | 18 feet     |
| 71 to 90      | 24 feet     |

- 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)



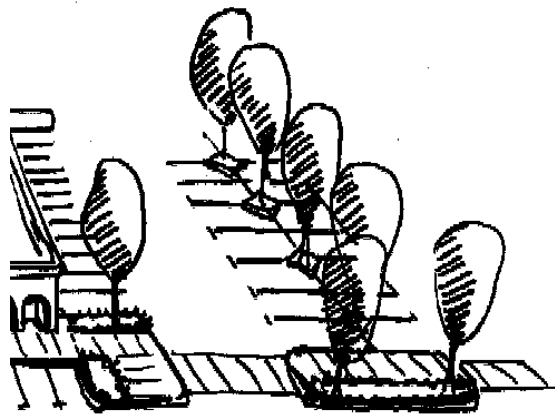
Parking Lot Tree Siting Alternatives

- 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

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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~~

## DRAFT SECTION 1.200 DEFINITION REVISIONS CITY COUNCIL

~~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)

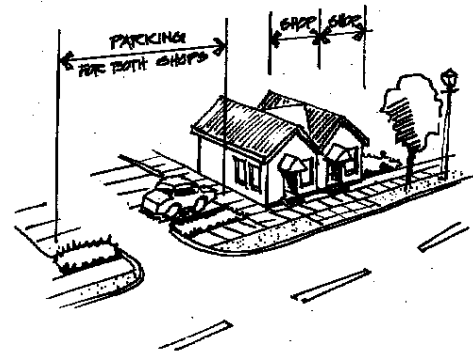


Figure 1 – Integrated Business Center - Small

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

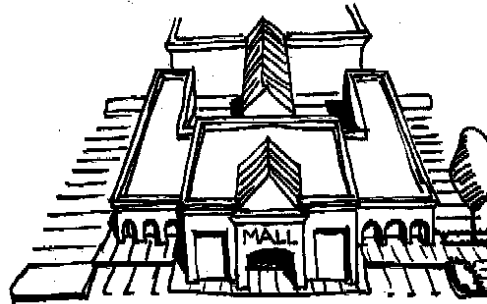


Figure 2 – Integrated Business Center - Large

## **2.310 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)

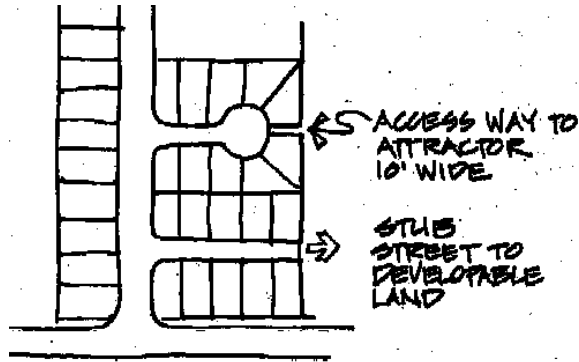
- G. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line. (5/98)
- H. Utility Easements. Utility easements shall be provided 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)

## **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)~~

**COUNCIL MEETING: August 17, 2015**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**FROM: TRACY L. DAVIS**  
**CITY RECORDER/COMMUNITY CENTER MANAGER**

**THROUGH: CHRIS EPPLEY**  
**CITY MANAGER**

**SUBJECT: COMMUNITY CENTER RATES**

**BACKGROUND:**

The Keizer Community Center opened in 2009. The 9000 square foot center is capable of being broken into three-sized spaces; large ballroom (9000 square feet), 3 medium size rooms (3000 square feet each) or 2 medium size rooms and 3 small rooms (1000 square feet each). The movable walls provide a great deal of flexibility for all types and sizes of events. In the first year of operation, the City contracted with Class Act Events to manage the facility. After the contract ended, the City found it in the best interest of the City and clients to take on the management duties in house. The Assistant to the City Manager took over the management in 2010 and when that position was eliminated in 2011, the City Recorder took over the management function.

The current rate structure has been in place since 2011. Below is a brief history on the rate structure:

**May 2009** – The City contracted with Class Act Events to develop a rate structure for the new Keizer Community Center. After a comparison of other area venues, a recommendation was made and accepted by the City Council setting rates and providing a discounted rate structure for City partners and non-profits. The rate structure for corporate/private events was a flat rate, dependent on the day of the week, and based on a 10 hour block of time. The rates for the smaller rooms were based on an hourly rate, dependent on the day of the week. (Resolution R2009-1959)

\*Example Rate - \$475 Monday thru Thursday, \$950 on Saturday, or \$850 Friday or Sunday (10 hour block of time)

**July 2009** – The City Council requested and approved an amendment to the rate structure to designate Tuesdays as Community Days. Eligible groups, as defined in the Resolution, could rent space in the community center for a flat daily rate. (Resolution R2009-1966)

\*Example Rate - \$50 for all day on Tuesday

**November 2009** – Based on feedback and usage over the first four months, it was determined the rate structure was too complicated for potential users. A recommendation was made and accepted by the City Council to base the rate structure on hourly usage and size of room. (Resolution R2009-1991)

\*Example Rate - \$75 per hour

**February 2011** – With a successful rate structure in place, a small adjustment was necessary to accommodate for staffing needs. Procedures were changed to require events meeting certain criteria to have staff on site during the entire event. The rate structure was amended to include the cost of one staff person. The Resolution also further defined the criteria for the community day rate. (Resolution R2011-2103)

\*Example Rate - \$90 per hour

**May 2011** – A new section was added to rate structure to provide community partners the ability to host fundraising events without paying the normal rates and cutting into their earnings. A \$500 flat rate for use of the Iris ballroom or medium size room one time per year for Keizer based 501(c) organizations was added. (Resolution R2011-2131)

*\* Each example listed above is based on a medium size room – 1000 square feet – such as Iris A.*

## **ISSUE:**

During the last year, the City has been reviewing the rate structure, comparing it to other area venues and soliciting feedback from our clients. For the most part, we have found that our rates fall in the middle of the rental market, with the exception of the Tuesday Community Day rate. In the review, we found it difficult to compare our rates with some area facilities such as the Keizer Quality Inn or Salem Conference Center. In both of these venues, they require use of their in-house catering program. They are able to provide rental space at a minimal fee (or in some instances no fee) but require minimum food and beverage purchases. The Keizer Community Center does not have catering ability or require preferred caterers. The client is free to use their own caterer or bring in their own food. This is enticing to our clients.

When reviewing other area venues, most require a minimum number of hours for usage. One of the main reasons for establishing a minimum is the inclusion of staff time in the rental fee to cover the room set and reset. Our current rate includes one staff member, however based on estimated number of guests attending the event, additional staffing charges may be imposed. We are proposing implementation of a minimum hourly use in our recommended rate structure which will cover necessary staffing levels.

In addition to the base rental rates, the City Manager is authorized to adopt fees or rental rates for additional items such as stage, audio-visual equipment, security officer fees when alcohol is available at an event, kitchen usage, deposits, and insurance requirements. Many of the individual amenities will be included with the proposed rental fees. The security/cleaning deposits will be adjusted on a sliding scale rather than the current standard fee. The City

Manager is also authorized to amend the use rates if in his discretion such rates provide increased transient occupancy taxes or other identifiable economic benefits to the citizens of the City.

When the first rate structure was put in place, the City Council made it clear the Keizer Community Center was to be a location for the citizens of Keizer to come together for community events and gatherings. This philosophy has been an integral part of the decisions behind Community Day rates and the Keizer based non-profit fundraising rate provision. However, the Community Day provision is not being utilized by Keizer citizens or small groups as anticipated. The recommendation will be to eliminate the Tuesday Community Day rate and replace it with a discounted rental rate for Keizer citizens. The provision for the one time per year non-profit fundraising event will remain. Also included in the recommended Resolution will be to continue free use of the Keizer Community Center for neighborhood associations, Keizer based youth sports, and town hall or community forums sponsored by our local government partners. For uses outside of town hall or community forums, government partners will be allowed a 20% discount on the rental rates.

The current rental rates are as follows:

- Small room (1000 square feet) - \$15 for the first two hours and \$15.00 per hour thereafter (Community Day rate is \$15 per day)
- Medium room – (3000 square feet) - \$90 per hour (Community Day rate is \$90 per day)
- Large ballroom – (9000 square feet) - \$220 per hour (Community Day rate is \$220 per day)

The recommended rental rates are:

- Small room (1000 square feet) - \$25 per hour with a 3 hour minimum
- Medium room – (3000 square feet) - \$100 per hour with a 4 hour minimum
- Large ballroom – (9000 square feet) - \$250 per hour with a 8 hour minimum

**RECOMMENDATION:**

It is recommended the City Council adopt the attached Resolution adopting use rates for the Civic Center Community Rooms, including a 25% rental discount for Keizer citizens, a 20% rental discount for government partners, one time per year non-profit fundraising provision, and free use of the center for neighborhood associations, Keizer-based youth sports, and town hall or community forums sponsored by our local government partners.

## AREA EVENT CENTER COMPARISON

| Location                                                                 | Room Size                       | Rate                                                        | Minimum Booking                                    | Discount                                                | Additional Information                                                                                                                                                                                                        |
|--------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Keizer Heritage Center</u><br><b>Half room</b><br><b>Full room</b>    | 600 sq ft<br>1200 sq ft         | \$100/\$200<br>\$125/\$350/\$950                            | 4 hour minimum rental and maximum of 8 hour rental | No discounts                                            | <ul style="list-style-type: none"> <li>Rates are based on type of event Meetings/social events/wedding-reception</li> <li>Tables, chairs, sound system, and kitchen included in rate</li> <li>Patio additional fee</li> </ul> |
| <u>KROC Center</u><br><b>Cedar Room</b><br><br><b>Terrace Grove Room</b> | 1000 sq ft<br><br>4000 sq ft    | \$150 - \$50 each addl hour<br>\$650 - \$175 each addl hour | 3 hour minimum rental                              | No discounts                                            | <ul style="list-style-type: none"> <li>No alcohol service allowed</li> <li>Rates more on Saturday and Sunday</li> </ul>                                                                                                       |
| <b>Chemeketa CBI Center</b>                                              | 700 sq ft                       | \$40 per hour                                               | 4 hour minimum rental                              | \$30 per hour for government or non profit              | <ul style="list-style-type: none"> <li>Must use Chemeketa catering services</li> <li>No deposits required</li> </ul>                                                                                                          |
| <b>Chemeketa Viticulture Center</b>                                      | 1000 sq ft<br><br>3000 sq ft    | \$28 per hour<br><br>\$72 per hour                          | Half or full day rental only                       | Government discount                                     | <ul style="list-style-type: none"> <li>Must use Chemeketa catering services</li> </ul>                                                                                                                                        |
| <b>Broadway Commons</b>                                                  | 900 sq ft                       | \$30 per hour                                               | No minimum                                         | No discounts                                            | <ul style="list-style-type: none"> <li>No alcohol allowed</li> </ul>                                                                                                                                                          |
| <b>Hampton Inn – Salem</b>                                               | 700 sq ft                       | \$50 per hour                                               | 4 hour minimum                                     | No discounts                                            | <ul style="list-style-type: none"> <li>No deposit or insurance required</li> </ul>                                                                                                                                            |
| <b>Quality Inn – Keizer</b>                                              | 3500 sq ft<br><br><br>900 sq ft | \$3500 or free with \$5000 food and beverage purchase       | Full day rental                                    | No discounts other than with food and beverage purchase | <ul style="list-style-type: none"> <li>18% gratuity</li> <li>Must use their catering service</li> </ul>                                                                                                                       |

|                                                       |                                                                                                            |                                                                                                                 |                                                                                                                                       |                                                                                                                                   |                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       |                                                                                                            | \$900 or \$250 with \$2500 food and beverage purchase                                                           |                                                                                                                                       |                                                                                                                                   |                                                                                                                                                                                                                                                                                         |
| <b>Red Lion – Salem</b>                               | 2700 sq ft                                                                                                 | \$850                                                                                                           | Full day rate                                                                                                                         | No discounts other than with food and beverage purchase                                                                           | <ul style="list-style-type: none"> <li>• \$350 set up fee</li> <li>• Food and beverage requirement of \$1700 plus 19% gratuity on room, equip, set up, and food/beverage</li> </ul>                                                                                                     |
| <b>The Gathering Place</b>                            | 600 sq ft                                                                                                  | \$50 per hour                                                                                                   | Minimum 3 hour rental                                                                                                                 |                                                                                                                                   | <ul style="list-style-type: none"> <li>• Can bring own food</li> <li>• Alcohol requires Host Liability Coverage</li> </ul>                                                                                                                                                              |
| <b>The Grand Hotel – Salem</b>                        | 900 sq ft                                                                                                  | \$395 per day                                                                                                   | Full day rental only                                                                                                                  | No discounts                                                                                                                      | <ul style="list-style-type: none"> <li>• Food and beverage requirement plus 18% gratuity</li> </ul>                                                                                                                                                                                     |
| <b>Keizer Community Center (2015 Proposed Rates)</b>  | <ul style="list-style-type: none"> <li>• 1000 sq ft</li> <li>• 3000 sq ft</li> <li>• 9000 sq ft</li> </ul> | <ul style="list-style-type: none"> <li>• \$25 per hr</li> <li>• \$100 per hr</li> <li>• \$250 per hr</li> </ul> | <ul style="list-style-type: none"> <li>Minimum 3 hour rental</li> <li>Minimum 4 hour rental</li> <li>Minimum 8 hour rental</li> </ul> | <ul style="list-style-type: none"> <li>25% discount for Keizer residents</li> <li>20% discount for government partners</li> </ul> | <ul style="list-style-type: none"> <li>• Includes set up and reset</li> <li>• Includes tables, chairs, podium, screens, and other media items</li> <li>• Can bring own food – kitchen use included with larger rooms</li> <li>• Alcohol allowed with additional requirements</li> </ul> |
| <b>OTHER MUNICIPAL GOVERNMENT FACILITY COMPARISON</b> |                                                                                                            |                                                                                                                 |                                                                                                                                       |                                                                                                                                   |                                                                                                                                                                                                                                                                                         |
| <b>City of Corvallis</b>                              | 1300 sq ft                                                                                                 | \$30 per hour – Mon-Thur<br>\$40 per hour – Fri-Sun                                                             |                                                                                                                                       | Citizens and nonprofits received 20% discount                                                                                     | <ul style="list-style-type: none"> <li>• Alcohol allowed with 30 day notice and special permit</li> </ul>                                                                                                                                                                               |

|                                     |            |                                                                                                                              |                                                          |                                                                      |                                                                                                                                                                                                                                                        |
|-------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>City of Eugene</b>               | 1100 sq ft | \$45 per hour                                                                                                                | No minimum                                               | Non city residents add 20%                                           | <ul style="list-style-type: none"> <li>• \$50 refundable deposit or \$100 when alcohol served</li> </ul>                                                                                                                                               |
| <b>City of Bend</b>                 | 1200 sq ft | \$45 per hour for private use or \$55 per hour for commercial use                                                            | No minimum Mon-Thurs<br>10 hour minimum on Fri, Sat, Sun | No discounts                                                         | <ul style="list-style-type: none"> <li>• Alcohol allowed with special permit</li> </ul>                                                                                                                                                                |
| <b>City of Salem – Pringle Hall</b> | 600 sq ft  | \$23 to \$28 per hour depending on type of event                                                                             | 4 hour minimum                                           | 5 tier rate structure (day of week to type of event)                 | <ul style="list-style-type: none"> <li>• No liability insurance required</li> <li>• Alcohol allowed with special permit</li> <li>• No staffing assistance</li> </ul>                                                                                   |
| <b>City of McMinnville</b>          | 800 sq ft  | \$15 to \$25 per hour based on group definition                                                                              |                                                          | Lower rate given to city residents and nonprofits – 3 tier structure | <ul style="list-style-type: none"> <li>• Addition of \$100 per 2 hours of alcohol service</li> <li>• Additions for staffing and security</li> </ul>                                                                                                    |
| <b>City of Astoria</b>              | 1200 sq ft | \$300 for 4 hours (hourly rate of \$30 with no set up or amenities i.e. tables/chairs \$500 – 6 hours on Friday and Saturday |                                                          |                                                                      | <ul style="list-style-type: none"> <li>• Rate includes set up</li> <li>• 100 Chairs and Table</li> <li>• 1 staff person</li> <li>• Additional Chairs = \$4 ea</li> <li>• Offsite catering allowed</li> <li>• 10% service charge on all fees</li> </ul> |

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2015-\_\_\_\_

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5  
6 ADOPTING USE POLICIES AND RATES FOR THE KEIZER  
7 COMMUNITY CENTER ROOMS; **REPEALING RESOLUTIONS**  
8 **R90-495, R2006-1699, R2009-1937, AND R2011-2131**  
9

10  
11 WHEREAS, the City Council adopted policies for community use of city hall  
12 facilities in 1986;

13 WHEREAS, the adopted policies for community use of city hall facilities has been  
14 amended several times with the last revision taking place in 2009 when the new city hall  
15 facilities became available;

16 WHEREAS, the City Council adopted the current use rates for the Civic Center  
17 Community Rooms pursuant to Resolution R2011-2131;

18 WHEREAS, the City Council has reviewed the matter and finds that it is  
19 appropriate to combine the policies and the use rates for the Community Center Rooms;

20 WHEREAS, the City Council desires to amend the use rates;

21 NOW, THEREFORE,

22 BE IT RESOLVED by the City Council of the City of Keizer that the following  
23 policies for use of the Keizer Community Center Rooms and lobby are hereby adopted:

24 **Alcohol Policies:** The following regulations apply to the allowance, sale  
25 or consumption of alcoholic beverages in the Keizer Community Center  
26 Rooms and lobby:

27 a. Only individuals twenty-one (21) years of age or older may consume

- 1 alcohol in accordance with this policy.
- 2 b. No person shall sell, give or otherwise make available any alcoholic
- 3 beverage to a person under the age of 21 years.
- 4 c. No person shall sell, give or otherwise make available any alcoholic
- 5 beverage to any person who is visibly intoxicated.
- 6 d. Alcoholic beverages are permitted only in the Community Rooms
- 7 and the adjoining lobby areas. Alcoholic beverages are prohibited
- 8 outdoors and in other areas of the building.
- 9 e. Alcoholic beverages are allowed only in conjunction with a reserved
- 10 event and only after written approval has been given by the City or
- 11 an authorized agent of the City.
- 12 f. Alcoholic beverages will be served only by a licensed and bonded
- 13 server pursuant to all Oregon Liquor Control Commission laws and
- 14 regulations.
- 15 g. The applicant for the event shall provide certificate of insurance
- 16 insuring the City, its employees, agents and contractors against
- 17 liability in an amount to be determined by the City Manager. As part
- 18 of the event reservation process, the applicant shall agree to defend,
- 19 indemnify and hold the City, its employees, agents and contractors
- 20 from any and all claims in connection with alcohol use on the
- 21 premises.
- 22 h. The City Manager may place reasonable conditions on the event to
- 23 protect persons and property.
- 24

25 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the

26 following use rates are hereby established:

- 27 1. Base Use Rates. The following base use rates shall be charged for the
- 28 Keizer Community Center Rooms:
- 29
- 30 a. Small room (1,000 square feet) - \$25.00 per hour with a three hour
- 31 minimum.
- 32 b. Medium room (3,000 square feet) - \$100.00 per hour with a four
- 33 hour minimum.
- 34 c. Large ballroom (9,000 square feet) - \$250.00 per hour with an eight
- 35 hour minimum.
- 36 d. Tax-exempt, Keizer-based 501(c) organizations may host fundraiser
- 37 activities using two Medium rooms or the Large ballroom for a base
- 38 use fee of \$500.00. This fee shall include the use of the facility and

amenities. The user will be responsible to pay all fees associated with required staffing. The use under this provision is limited to one (1) event per calendar year per Keizer-based 501(c) organization and is limited to a maximum of twelve (12) hours usage.

- e. Keizer residents and Keizer-based 501(c) non-profit organizations are entitled to a twenty-five percent (25%) discount on the base use rates outlined in 1(a) through 1(c) herein.
- f. Government partners, e.g., City of Salem, Marion County, State of Oregon, Keizer Fire District, Salem-Keizer Transit District, Keizer Chamber of Commerce, League of Oregon Cities, Mid-Willamette Valley Council of Governments, are entitled to a twenty percent (20%) discount on the base use rates outlined in 1(a) through 1(c) herein.

2. Exempt Uses. The following uses are exempt from payment of use rates:

- a. City Meetings. City Council/Urban Renewal Agency meetings, formal City/Urban Renewal Agency committee, task force, or staff meetings;
- b. Neighborhood Associations. Recognized neighborhood associations may hold their regular meetings, up to twelve (12) meetings per year.
- c. Keizer-based Youth Sports Registrations. Keizer-based youth sports organizations may hold up to three (3) registration (sign-ups) events per year.
- d. Town Hall/Community Forums. City, Urban Renewal Agency, Salem Area Mass Transit District, Marion County, and other governmental agencies may hold town hall/community forums for the purpose of gathering public input.

3. Other Agreements Exempt. Organizations with specific agreements for Community Room use are exempt from the above rates.

4. Additional Facility Charges. In addition to the base use rates, the City Manager is also authorized to adopt and impose surcharges for rental rates for additional facilities, including, but not limited to stages, audio/visual equipment, computer equipment, kitchen usage and additional labor expenses. The City Manager is authorized to impose deposits, fees or additional charges as City Manager may deem appropriate in his/her discretion.

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5.     Use Rates Subject to Facility Agreement. The use rates set forth herein are subject to the provisions of the Facility Use Agreement as authorized by the City Manager. The City Manager is authorized to amend the use rates if in the City Manager’s discretion such amended rates provide increased transient occupancy taxes, other identifiable economic benefits to the citizens of the City as a whole, or other identifiable fiscal benefits to the City of Keizer administratively.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that Resolution R90-495 (Amending Resolution R86-229 Establishing a Policy for Community Use of City Hall Facilities), Resolution R2006-1699 (Policy for Community Use of City Hall Facilities), Resolution R2009-1937 (Amending Policy for Community Use of City Hall Facilities), and Resolution R2011-2131 (Adopting Use Rates for the Civic Center Community Rooms) are hereby repealed in their entirety.

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

**CITY COUNCIL MEETING: August 17, 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**

The Council previously addressed medical marijuana issues by allowing the use in specific zones and adopting a permit process with certain regulations. In addition, the Council adopted a zero percent tax on medical marijuana and a ten percent tax on recreational marijuana. At this time, additional review by the Council is necessary due to the legislature's significant action in this area in 2015. The legislature substantially refined and expanded Measure 91. I have attached detailed information from the League of Oregon Cities for your review. Please be certain to review these attachments for background information necessary to guide the Council with some decisions points set forth in this staff report.

This staff report concerns four areas to consider: "Early sales" of recreational marijuana in medical marijuana facilities, the possible regulation of recreational marijuana, the taxation of marijuana generally, and possible regulation of other marijuana activities.

1. Allowance/Ban of "Early Sales". Senate Bill 460 allows "early sales" of recreational marijuana at licensed medical marijuana facilities. This was done to provide a supply to customers because the regular recreational marijuana shops will not be opening until the latter part of 2016. SB 460 also allows a city or county to adopt ordinances prohibiting these early sales of recreational marijuana. This prohibition of the early sales does not require voter approval. However, note that if the Council wanted to permanently ban recreational marijuana facilities, it would be required to pass an ordinance to that effect and refer the matter to the voters at the November 2016 election.

The early sales provision in the legislation involves limited types of marijuana. The only recreational marijuana products allowed to be sold at medical marijuana shops is a marijuana plant that is not flowering, as well as the seeds, dried leaves, and flowers of marijuana. Edible marijuana, processed marijuana of any type, and other marijuana products are not allowed. The medical marijuana dispensary can only sell recreational marijuana to a person 21 years of age or older and no more than one-quarter ounce per person, per day.

The question for the Council on this item is whether the Council wishes to ban these early sales of recreational marijuana at medical marijuana facilities. A secondary question is whether the Council wishes to ban the permanent recreational marijuana facilities.

2. Regulation of Recreational Marijuana. The City adopted a comprehensive permit process for medical marijuana facilities. That permit Ordinance provides for background checks for all persons connected with the facility, requires certain distances from schools and public places, and provides for additional regulation. The permit system and fees allow the City to monitor the businesses for compliance to attempt to safeguard against problems such as lack of inventory control or black market influences.

Under House Bill 3400, reasonable “time/place/manner” restrictions by cities and counties is allowed. Time/place/manner restrictions are the type of restrictions that give local governments some regulatory control, but do not allow prohibition, which is provided separately.

At this point, it is not clear what final state regulations will be imposed. For consistency, staff is recommending that recreational marijuana facilities have the same permit process as medical marijuana facilities. However, this decision does not need to be made immediately as the state has not finalized their regulations yet.

The question on this item is whether the Council wants to require recreational marijuana facilities to be regulated in the same manner as medical marijuana facilities.

3. Taxation of Recreational Marijuana. Earlier, Council adopted a zero percent tax on medical marijuana and a ten percent tax on recreational marijuana. Unless Council feels differently, staff is presuming that there has not been a desire by any of the Council to revisit the medical marijuana taxation.

With regard to recreational marijuana, state legislation arguably preempts cities’ taxation, except as allowed in HB 3400. There will be a state tax of a total of 17% on commercial sales of marijuana. Collectively, cities will receive ten percent of this tax distributed on a proportional basis based on population before July 2017, and then after that date, based on the number of marijuana facilities in the city.

In addition, HB 3400 allows cities to impose up to a three percent direct tax on sales of recreational marijuana sold in the City. The cities may do this by adopting an Ordinance, but it then must be referred to the voters in a November election in an event numbered year.

The question on this particular issue is whether the Council wishes to adopt the tax on recreational marijuana as allowed by HB 3400. (It appears problematic to impose the three percent tax on “early sales”.) Similar to the last issue, this issue does not need immediate action, but staff would like to gauge Council’s thoughts and concerns in this regard.

4. Allowance/Ban/Regulation of Other Marijuana Facilities. HB 3400 provides for a process for cities to ban six of the seven types of marijuana activities that are registered or licensed by the state. Here is the list of the six activities the cities can ban under HB 3400:

- Medical marijuana processors (preparing edibles, skin and hair products, concentrates and extracts);
- Medical marijuana dispensaries;
- Recreational marijuana producers (growers);
- Recreational marijuana processors (preparing edibles, skin and hair products, concentrates and extracts);
- Recreational marijuana wholesalers; and
- Recreational marijuana retailers.

Medical marijuana grow sites are the seventh marijuana activity and the legislature was silent on whether a city can ban medical marijuana growers from operating. State law places limits on the number and amount of marijuana that can be located at any particular grow site.

This staff report has previously dealt with medical marijuana dispensaries and recreational marijuana retailers. The question for the Council on this issue is whether Council wishes to allow/ban any of the six activities, or if Council wishes to regulate any of these activities.

Though not required by law, the Council may wish to consider whether some of the issues, particularly regulation or a ban, would be appropriate for a public hearing. If so, Council should direct staff accordingly.

#### **RECOMMENDATION:**

Staff requests that Council review these items and if there is consensus, direct staff as follows:

1. Does Council want to ban either “early sales” at medical marijuana facilities or permanent marijuana facilities? If Council wishes to do so, a simple minute motion to direct staff to prepare an appropriate Ordinance is sufficient. If Council does not wish to ban them, no motion is necessary.
2. Does Council wish to regulate recreational marijuana in the same manner as medical marijuana? If Council wishes to do so, a simple minute motion to direct staff to prepare an appropriate Ordinance is sufficient. The Council has the option to delay the decision on this issue and/or hold a public hearing.
3. Does Council want to impose a tax of up to three percent on commercial retail sales of marijuana? If the Council wishes to do so, a simple minute motion directing staff to prepare

an appropriate Ordinance to adopt the tax is sufficient. This item does require some action on Council's part, because currently we have a ten percent tax which at least arguably will be inconsistent with state law. The Council needs to choose between no local tax, or a tax up to three percent.

4. Council may want to direct staff with regard to dealing with the other marijuana activities.

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

ESJ/tmh



## Frequently Asked Questions About Local Regulation of Marijuana

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July 31, 2015

During the 2015 legislative session, the Legislature passed four laws relating to medical and recreational marijuana:

- **HB 3400**, the omnibus bill that amends the Oregon Medical Marijuana Act (OMMA) and Measure 91, which the voters passed in November 2014 legalizing recreational marijuana use in Oregon;
- **HB 2041**, which revises the state tax structure for recreational marijuana;
- **SB 460**, which authorizes early sales of recreational marijuana by medical marijuana dispensaries; and
- **SB 844**, which contains miscellaneous provisions.

Below are answers to some of the most commonly asked questions about the new legislation and its impact on local governments.

### HOME RULE AND FEDERAL LAW

#### **I've heard that cities did not need this legislation to regulate marijuana because Oregon is a home rule state. What is home rule?**

Home rule is the power of a local government to set up its own system of governance and gives that local government the authority to adopt ordinances without having to obtain permission from the state. City governments in Oregon derive home rule authority through the voters' adoption of a home rule charter as provided for in the Oregon Constitution. All 242 cities in Oregon have adopted a home rule charter. A charter operates like a state constitution in that it vests all government power in the governing body of a municipality, except as expressly stated in that charter or preempted by state or federal law.

#### **So how does home rule relate to a city's authority to regulate marijuana?**

Home rule authority allows local governments to enact ordinances regulating marijuana unless preempted by state law. The state Legislature can limit local government authority if it passes legislation that clearly and unambiguously preempts that authority. Because the Legislature recently passed four bills relating to marijuana, it is important to understand how state and local authority interact because that relationship will impact what cities can and cannot do when it comes to regulating marijuana. Specifically, unless clearly preempted, cities can impose regulations in addition to those authorized under HB 3400 under their home rule authority.

#### **Isn't marijuana illegal under federal law? If so, how can Oregon legalize it?**

Marijuana is classified under the federal Controlled Substances Act as a Schedule I drug, which means it is unlawful under federal law to grow, distribute, possess or use marijuana for any purpose. Individuals who engage in such conduct could be subject to federal prosecution.

However, the courts thus far have upheld a state's authority to decriminalize marijuana for state law purposes. Oregon did so for medical marijuana in 1998 and for recreational marijuana in 2014. What that means is someone who grows, distributes, possesses or uses marijuana within the limits of those state acts is immune from state prosecution, but might still be subject to federal prosecution if federal authorities desired to do so.

### **Can we as a city council use our home rule authority and vote to re-criminalize marijuana within our city?**

No. A city's home rule authority is subject to the criminal laws of the state of Oregon. As noted above, the OMMA and Measure 91 provide immunity from criminal prosecution for individuals who are acting within the parameters of those laws. Consequently, a council cannot remove the immunity provided by state law.

The immunity provided by state law does not extend to all crimes committed while engaging in marijuana-related activities. For example, the immunity provided by state law does not apply to the crime of driving under the influence. Likewise a city should be able to impose criminal penalties against a person engaging in a marijuana-related activity that violates another law, such as a business license ordinance, zoning or anti-smoking regulations. However, before doing so, a city should work with its city attorney to confirm that the state law immunities do not apply.

## **BANS**

### **Can my city ban the growing, processing, and sale or transfer of marijuana?**

HB 3400 provides a process, explained below, for cities to ban six of the seven types of marijuana activities registered or licensed by the state. Specifically, the six types of marijuana activities that cities can ban under HB 3400 are:

- Medical marijuana processors (preparing edibles, skin and hair products, concentrates and extracts);
- Medical marijuana dispensaries;
- Recreational marijuana producers (growers);
- Recreational marijuana processors (preparing edibles, skin and hair products, concentrates and extracts);
- Recreational marijuana wholesalers; and
- Recreational marijuana retailers.

The seventh marijuana activity registered by the state is the growing of medical marijuana. The bills the Legislature enacted in 2015 are silent on whether a city can ban medical marijuana growers from operating. (State law does expressly place limits on the number of plants and the amount of marijuana that can be located at any particular grow site.) As noted below, the statutes do not indicate that the process in HB 3400 for banning marijuana activities is the exclusive means to do so. Cities considering banning medical marijuana grow sites should talk to their city attorney about whether they can do so under either home rule, federal preemption, or both legal theories.

## **What process does the city need to go through under HB 3400 to impose a ban on the growing, processing, or sale or transfer of marijuana?**

The process that the city needs to go through under HB 3400 will depend on when the city imposes the ban, and whether the city is located in a county that voted against Measure 91 by 55 percent or more.

Before December 24, 2015, cities located in counties that voted against Measure 91 by 55 percent or more (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa and Wheeler Counties) can enact a ban through council adoption of an ordinance prohibiting any of the six activities listed above. After that time, and for cities not located in those counties, the city council may adopt an ordinance banning any of the six activities listed above, but that ordinance must be referred to the voters at a statewide general election, meaning an election in November of an even-numbered year.

Under either procedure, as soon as the council adopts the ordinance, it must submit it to the Oregon Health Authority (OHA) for medical bans and the Oregon Liquor Control Commission (OLCC) for recreational bans, and those agencies will stop registering and licensing the banned facilities. In other words, for cities using the referral process, the council's adoption of an ordinance acts as a moratorium on new facilities until the election occurs.

## **Can my city ban the personal use and growing of marijuana?**

HB 3400 does not provide an avenue for cities to ban the personal use and growing of marijuana. As a result, cities interested in enacting such a ban should consult with the city attorney to discuss whether the city can do so under either home rule, federal preemption, or both legal theories.

## **If the city adopts a ban under HB 3400, are existing marijuana activities grandfathered (allowed to remain open)?**

The answer depends upon the type of activity. Medical marijuana dispensaries and medical marijuana processors that have registered with the state by the time their city adopts a prohibition ordinance are not subject to the ban if they have successfully completed a city or county land use application process.

However, HB 3400 does not provide similar protection to any of the other marijuana activities that a city can ban under that legislation. Consequently, recreational marijuana growers, processors, wholesalers and retailers are subject to a ban under HB 3400, even if those businesses are already operating at the time the ban was enacted.

Although some businesses may argue that they have a due process right to continue operating, the status of marijuana as an illegal drug under federal law makes it unlikely that a court would recognize a due process right for a marijuana business owner. However, cities will want to work closely with their city attorney on enforcement of a ban against existing businesses.

## **If my city adopts a ban under HB 3400, will it still get a share of state marijuana tax revenues?**

No. A city that adopts an ordinance prohibiting the establishment of medical or recreational marijuana businesses is not eligible to receive a distribution of state marijuana tax revenues.

**My city requires businesses to obtain a license to operate, and city ordinance provides that the city will not issue a business license if a business operates in violation of local, state or federal law, creating an effective ban on marijuana businesses. Can we continue to enforce that ordinance instead of adopting a ban using the procedure described in HB 3400?**

Yes. The League has taken the position that cities may still adopt and enforce their business license ordinances. However, a city should be prepared to defend its authority to do so.

HB 3400 does not contain a broad express preemption on local government authority.<sup>1</sup> Nothing in HB 3400 makes the ban procedures in the law the exclusive means for prohibiting marijuana businesses. Consequently, the League has taken the position that HB 3400 does not prevent a city from banning marijuana activities through other means, such as adopting or enforcing a business license ordinance that prohibits issuance of a business license to a business operating in violation of local, state or federal law.

However, cities that decide to enforce a business license ordinance instead of adopting a ban under HB 3400 should consult their city attorney about the case of *City of Cave Junction v. State of Oregon*, Josephine County Circuit Court Case #14CV0588, which is currently on appeal before the Oregon Court of Appeals. At issue in that case is whether the city of Cave Junction may enforce its business license ordinance, which prohibits issuance of a business license to a business operating in violation of local, state or federal law.

## LOCAL TAX

### **Can my city tax recreational marijuana?**

Yes, as long as the city has not adopted an ordinance under HB 3400 prohibiting marijuana activities in the city.

Under HB 3400, cities may impose up to a 3 percent tax on sales of marijuana items made by those with recreational retail licenses by referring an ordinance to the voters at a statewide general election, meaning an election in November of an even-numbered year.

### **Can my city tax medical marijuana?**

It is unclear whether a city can tax medical marijuana. HB 3400 provides that authority to “impose a tax or fee on the production, processing or sale of marijuana items in this state is vested solely in the Legislative Assembly,” and a city may not adopt or enact ordinances imposing a tax or fee on those activities except for the 3 percent tax on recreational activities discussed above. The legal question is whether that section applies to medical marijuana. Cities interested in taxing medical marijuana should work closely with their city attorney.

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<sup>1</sup> Section 57 of HB 3400 does provide that Measure 91 supersedes any “inconsistent” local enactments. Although some people have suggested that Section 57 is a broad preemption of local authority, the League disagrees. The liquor control act contains similar wording and the Oregon appellate courts have not interpreted that section to be a broad preemption. For more information and analysis of the inconsistency provision in Measure 91, as amended by HB 3400, see the memorandum on the League’s A-Z Marijuana Resources webpage entitled, “Measure 91 and Local Control.”

### **My city enacted a tax on medical and recreational marijuana before HB 3400 was enacted. Can we continue to impose that tax now?**

The status of taxes enacted prior to HB 3400 is an open question. HB 3400 provides that, except as provided by law, the authority to “impose” a tax or fee on the production, processing or sale of marijuana items is vested solely in the Legislative Assembly, and a city may not “adopt or enact” ordinances imposing a tax or a fee on those activities. Arguably, cities that have already adopted or enacted a tax prior to the effective date of HB 3400 are grandfathered in. However, the issue is not free from doubt, and cities that decide to collect on pre-HB 3400 taxes should be prepared to defend their ability to do so against legal challenge. Consequently, cities that plan to continue to collect taxes imposed prior to the passage of HB 3400 should work closely with their city attorney to discuss the implications and risks of that approach.

### **My city requires all businesses to obtain a license and pay a fee. Does that fee count as part of the 3 percent tax or fee that the city can impose under HB 3400?**

HB 3400 limits a local tax on “the sale of marijuana items” to 3 percent and provides that a city may not otherwise adopt or enact an ordinance imposing a tax or fee on “the production, processing or sale of marijuana items.” Although HB 3400 preempts certain local taxes and fees, a city may be able to continue to impose taxes and fees of general applicability, which are not specific and limited to marijuana businesses, without being subject to the 3 percent limit. Cities considering imposing such a tax or fee should obtain their city attorney’s advice before doing so.

### **If my city adopts a ban for some—but not all—marijuana activities, can it still impose a local tax on those activities not banned?**

Probably not. HB 3400 broadly provides that a city that adopts a ban under HB 3400 prohibiting one or more marijuana activities within its jurisdiction “may not impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.”

## **STATE TAX**

### **What is the state going to tax and in what amount?**

Under HB 2041, the state will impose a 17 percent tax on the retail sale of marijuana items, including marijuana leaves and flowers; immature marijuana plants; marijuana concentrates and extracts; marijuana skin and hair products; and other marijuana products.

Early sales of recreational marijuana from medical marijuana dispensaries, however, will be taxed at a higher rate. Starting January 4, 2016, early sales of recreational marijuana from a medical marijuana dispensary will be taxed at a rate of 25 percent.

### **How much of the state tax revenues will go to cities?**

Ten percent of the state marijuana tax revenues will be distributed to cities that do not adopt ordinances prohibiting the establishment of marijuana facilities registered and licensed by the state.<sup>2</sup> The revenue will be distributed to cities “[t]o assist local law enforcement in performing its duties” under Measure 91.

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<sup>2</sup> The remaining revenues will be distributed as follows: 40 percent to the Common School Fund; 20 percent to the Mental Health Alcoholism and Drug Services Account; 15 percent to the State Police Account; 10 percent to counties; and 5 percent to the Oregon Health Authority.

The state's Legislative Revenue Office has estimated that the total distribution for cities in the 2015-2017 biennium will be \$440,000, jumping to \$5.92 million in the 2017-2019 biennium.

### **How will the state tax revenues be distributed to cities?**

Until July 1, 2017, the state tax revenue dedicated to cities will be distributed proportionately based on population to those cities that do not adopt prohibiting ordinances. After July 1, 2017, those revenues will be distributed proportionately based on the number of recreational licenses issued for premises located in each city. Fifty percent of the revenue for cities will be distributed based on the number of recreational grower, processor and wholesale licenses issued for a premises in the city. The other 50 percent will be distributed based on the number of recreational retail licenses issued for premises in the city.

## **TIME, PLACE AND MANNER RESTRICTIONS**

### **Does state law place any restrictions on where marijuana businesses can locate?**

Yes. Medical marijuana dispensaries, recreational marijuana retail stores, and medical and recreational marijuana processors that process marijuana extracts cannot locate in a residential zone.

In addition, medical marijuana dispensaries and recreational marijuana retail stores are subject to the following restrictions:

- Neither can locate within 1,000 feet of certain public and private schools, unless the school is established after the marijuana facility.
- Medical marijuana dispensaries cannot locate within 1,000 feet of another dispensary.
- Medical marijuana dispensaries cannot locate at a grow site.

Finally, before issuing any recreational marijuana license, the OLCC must request a statement from the city that the requested license is for a location where the proposed use of the land is a permitted or conditional use. If the proposed use is prohibited in the zone, the OLCC may not issue a license. A city has 21 days to act on the OLCC's request, but when that 21 days starts to run varies:

- If the use is an outright permitted use, 21 days from receipt of the request; or
- If the use is a conditional use, 21 days from the final local permit approval.

### **I have heard that the new legislation ends "card stacking" and puts limits on the amount of marijuana at a medical marijuana grow site. What are those limits?**

Generally, a medical marijuana grow site may have up to 12 mature plants if it is located in a residential zone, and up to 48 mature plants if it is located in any other zone. However, there are exceptions for certain existing grow sites. If all growers at a site had registered with the state by January 1, 2015, the grow site is limited to the number of plants that were at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones. A grower loses the right to claim those exceptions, however, if the grower's registration is suspended or revoked.

In addition to possessing mature marijuana plants, a medical marijuana grower may possess the amount of usable marijuana that the person harvests from the mature plants, not to exceed 12

pounds of usable marijuana per mature plant for outdoor grow sites and 6 pounds of usable marijuana per mature plant for indoor grow sites.

### **I have heard that cities can impose “reasonable restrictions” on medical and recreational marijuana businesses. What does that mean?**

Although the League takes the position that the Legislature has not foreclosed other regulatory options, HB 3400 expressly provides that cities may impose reasonable regulations on the following:

- The hours of operation of retail licensees and medical marijuana grow sites, processing sites and dispensaries;
- The location of all four types of recreational licensees, as well as medical marijuana grow sites, processing sites and dispensaries, except that a city may not impose more than a 1,000-foot buffer between retail licensees;
- The manner of operation of all four types of recreational licensees, as well as medical marijuana processors and dispensaries; and
- The public’s access to the premises of all four types of recreational licenses, as well as medical marijuana grow sites, processing sites and dispensaries.

The law also provides that time, place and manner regulations imposed on recreational licensees must be consistent with city and county comprehensive plans, zoning ordinances, and public health and safety laws, which would be true of any ordinance imposed by a city.

## **EARLY SALES OF RECREATIONAL MARIJUANA**

### **What are “early sales” of recreational marijuana?**

As of July 1, 2015, people 21 years of age and older can possess limited amounts of recreational marijuana under state law. However, the OLCC has not yet issued licenses for the retail sale of recreational marijuana, and does not expect to do so until sometime in 2016. To allow the OLCC time to implement its licensing system, while also providing an avenue for people to purchase recreational marijuana, the Legislature authorized medical marijuana dispensaries to sell limited quantities of recreational marijuana.

In particular, medical marijuana dispensaries will be able to sell the following to a person who is 21 or older and presents proof of age:

- One quarter of one ounce of dried marijuana leaves and flowers per person per day;
- Four marijuana plants that are not flowering; and
- Marijuana seeds.

### **When will early sales start?**

Medical marijuana dispensaries may begin selling limited quantities of recreational marijuana on October 1, 2015. Sales of recreational marijuana from medical dispensaries currently are set to end on December 31, 2016. At that time, recreational retail facilities likely will be operating and selling recreational marijuana.

### **Can my city opt out of early sales?**

Yes. Under SB 460, a city may adopt an ordinance prohibiting the early sales described above. The city council may adopt the ordinance without referring it to the voters.

### **If my city opts out of early sales, is the city still eligible to receive state marijuana tax revenues?**

Probably. HB 2041 provides that a city that adopts an ordinance “prohibiting the establishment” of marijuana businesses registered or licensed by the state is not eligible to receive state marijuana tax revenues. An ordinance prohibiting early sales under SB 460, however, would not prohibit the establishment of a state-registered or licensed facility. Rather, such an ordinance would merely limit the activities at an existing medical marijuana dispensary. As a result, a city prohibiting early sales should remain eligible to receive state marijuana tax revenues.

### **Can my city impose a local tax on early sales?**

Probably not. Under HB 3400, cities may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items, except as provided in that legislation. HB 3400 further stipulates that cities may refer an ordinance to the voters imposing a tax of up to 3 percent on sales by a person that holds a retail license issued by the OLCC. Because early sales of recreational marijuana will be made by medical marijuana dispensaries, and not by a retail licensee, a city likely is preempted from imposing a tax on early sales of recreational marijuana. However, cities interested in imposing a local tax on early sales should consult their city attorney.

## **TIMELINE**

The following is a summary of key dates that local government officials need to be aware of regarding the effective date and implementation of Oregon’s new marijuana laws:

- **June 30, 2015** – HB 3400 becomes effective. However, many provisions of the law do not go into effect immediately.
- **July 1, 2015** – Personal possession of limited amounts of recreational marijuana is allowed for those 21 or older.
- **October 1, 2015** – Sales of recreational marijuana from medical marijuana dispensaries begin, unless a city has enacted an ordinance prohibiting early sales pursuant to SB 460 § 2(3).
- **December 24, 2015** – City councils that are eligible to adopt a prohibition on marijuana activities without a voter referral must have adopted the prohibition by this date.
- **January 1, 2016** – Most amendments to Measure 91 go into effect. In addition, after this date, medical marijuana growers may apply for an OLCC license to grow recreational marijuana at the same site.
- **January 4, 2016** – The OLCC must approve or deny recreational license applications as soon as practicable after this date (HB 3400 § 171). In addition, medical marijuana dispensaries engaging in early sales of recreational marijuana must begin collecting a 25 percent state tax on those sales.
- **March 1, 2016** – Most amendments to the OMMA go into effect.

- **November 8, 2016** – Next statewide general election. Cities may refer measures on prohibition of marijuana activities and measures on local taxes at this election.
- **December 31, 2016** – Early sales of recreational marijuana from medical marijuana dispensaries end.

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## CATEGORIES

# A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

## MARIJUANA RESOURCES

Index > M > Marijuana Resources

**\*NEW\* FAQs About Local Regulation of Marijuana****Medical Marijuana****The Oregon Medical Marijuana Act**

In November 1998, Oregon voters passed Measure 67 into law. The law, known as the Oregon Medical Marijuana Act (ORS 475.300-ORS 475.346), provides legal protections for qualified patients; requires a physician-written statement of the patient's qualifying debilitating medical condition; allows for a caregiver to provide assistance; and mandates an Oregon Health Authority (OHA) registration system. The Legislature made significant changes to the OMMA during the 2015 session in HB 3400, SB 460 and SB 844.

For more information about the Oregon Medical Marijuana Program, click here.

For more information about medical marijuana and local control, click here for a series of Local Focus articles from June 2014 on the topic.

**Local Regulation of Medical Marijuana**

Local governments considering adopting time, place, and manner restrictions on medical marijuana dispensaries can look to the following resources:

- Sample Time, Place, and Manner Ordinances from Other Cities:
  - Ashland
  - Beaverton: medical marijuana business license ordinance, license application, and sample permit
  - Central Point
  - Keizer: resolution and ordinance
  - Klamath Falls
  - Roseburg: land use regulations, business operations, and fees
  - Springfield
- Pendleton's Marijuana Odor Ordinance
- Cave Junction v. State - Cave Junction I (on appeal to the Court of Appeals)
- Providing All Patients Access v. Cave Junction - Cave Junction II (trial court decision issued in June 2015)

**Federal Policy**

Marijuana remains a Schedule I controlled substance under the federal Controlled Substances Act. Although marijuana is an illegal drug under federal law, in August 2013, the federal Department of Justice issued a memorandum discussing the ways in which the federal government would enforce marijuana laws. In December 2014, Congress included a provision in an appropriations bill directing the federal Department of Justice not to use funds to prevent states, including Oregon, from implementing their medical marijuana laws.

- Department of Justice Memorandum
- Appropriations Bill (see Section 538)

**Return of Seized Medical Marijuana**

- Attorney General Opinion

**Relevant Items**

Drugs  
Public Safety Issues

**Resources**

Measure 91 (full text)  
HB 3400  
HB 2041  
SB 460  
SB 844  
Relevant Laws

- State v. Ehrensing, 255 Or App 402 (2013) (Court of Appeals opinion)

### **Employment Issues**

- Emerald Steel Fabricators v. BOLI, 348 Or 159 (2010) (Supreme Court Opinion)

### **Trainings**

- May 2014 Marijuana Workshop (PowerPoint Slides)
- March 2015 LOC Webinar : Local Regulation of Marijuana in Oregon (PowerPoint Slides)

## **Recreational Marijuana**

### **Measure 91**

In November 2014, voters passed Measure 91 into law. The law provides for personal growing, possession, and use of limited amounts of non-medical marijuana, and directs the Oregon Liquor Control Commission (OLCC) to administer a licensing system for the production, processing, wholesale, and retail sale of non-medical marijuana. The Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041.

For more information about the OLCC's implementation of Measure 91, click [here](#).

### **Local Regulation of Recreational Marijuana**

For information about Measure 91 and local control, cities can look to the following resources:

- Measure 91 : What Now? - A series of Local Focus articles from February 2015 on Measure 91 and local control.
- Measure 91 and Local Control - A memorandum issued by the League, in conjunction with the Association of Oregon Counties, and presented during testimony before the legislature, analyzing whether Measure 91 is preemptive of local control.
- On April 5, 2015, LOC joined the panel discussion on Measure 91 on KATU's weekly public affairs program, "Your Voice, Your Vote."

### **Trainings: Webinar Materials**

- March 2015 LOC Webinar: Local Regulation of Marijuana in Oregon (PowerPoint Slides)

### **Employment Issues**

- "There's Smoke, but There's No Fire" - February 2015 CIS article on employment implications of Measure 91

## **Marijuana Taxes**

- A list of Oregon cities with marijuana taxes (updated 12/3/14).
- Sample Marijuana Tax Ordinances from Other Cities

- Ashland: staff report and tax ordinance
- Beaverton: resolution and tax ordinance
- Central Point: staff report and tax ordinance
- Happy Valley
- Hillsboro
- Klamath Falls
- Medford
- Portland
- Salem
- Tigard
- Wilsonville

### **Contacts**

**Website** LOC Staff

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## Oregon Cities with Marijuana Taxes

Last updated on December 3, 2014

*Please note that this may not be a comprehensive list of cities*

| City          | Recreational Tax | Medical Tax | Approved | Notes                                                                                     |
|---------------|------------------|-------------|----------|-------------------------------------------------------------------------------------------|
| Albany        | 10%              |             | Yes      |                                                                                           |
| Ashland       | 10%              | 5%          | Yes      |                                                                                           |
| Aumsville     | 10%              | 5%          | Yes      |                                                                                           |
| Beaverton     |                  |             | Yes      |                                                                                           |
| Brookings     | 10%              | 0%          | Yes      |                                                                                           |
| Brownsville   | 6%               | 6%          | Yes      |                                                                                           |
| Burns         | 10%              | 0%          | Yes      |                                                                                           |
| Cannon Beach  | 10%              |             | Yes      | The city council decided not to tax medical marijuana, verified in the minutes from 10-7. |
| Central Point | 10%              | 5%          | Yes      |                                                                                           |
| Clatskanie    | 10%              | 10%         | Yes      |                                                                                           |
| Columbia City |                  |             | Yes      |                                                                                           |
| Coos Bay      | 10%              | 10%         | Yes      | The ordinance allows for a range of 0%-25%.                                               |
| Coquille      | 10%              | 5%          | Yes      |                                                                                           |
| Cornelius     | 10%              | 0%          | Yes      |                                                                                           |
| Dallas        | 10%              | 5%          | Yes      | City Council approved on November 3.                                                      |
| Dayton        | 10%              | 0%          | Yes      | Via OCCMA list serve.                                                                     |
| Fairview      | 40%              | 15%         | Yes      |                                                                                           |
| Falls City    | 10%              | 5%          | Yes      |                                                                                           |
| Forest Grove  | 10%              |             | Yes      | Medical is excluded from the tax.                                                         |
| Gearhart      | 10%              | 5%          | Yes      | City council isn't sure if they are going to enact it, but wanted the option.             |
| Gervais       |                  |             | Yes      | Rate has not been set yet.                                                                |
| Gold Hill     | 10%              | 5%          | Yes      |                                                                                           |
| Gresham       | 10%              | 5%          | Yes      |                                                                                           |
| Happy Valley  | 10%              | 10%         | Yes      | City Council decided to tax medical at 10%, instead of the 0% that is in the ordinance.   |
| Hillsboro     | 10%              | 0%          | Yes      |                                                                                           |
| Hubbard       | 10%              | 0%          | Yes      |                                                                                           |
| Independence  | 10%              | 0%          | Yes      |                                                                                           |
| Jefferson     | 10%              | 0%          | Yes      |                                                                                           |
| John Day      | 10%              | 5%          | Yes      |                                                                                           |
| Keizer        | 10%              | 0%          |          |                                                                                           |
| Klamath Falls | 10%              |             | Yes      | Chose not to tax medical marijuana.                                                       |
| La Grande     | 25%              | 0%          | Yes      | Second reading occurred on 10-29-2014, adopted by a 4-3 vote.                             |
| La Pine       | 15%              | 5%          | Yes      | Via Bend Bulletin.                                                                        |



## Oregon Cities with Marijuana Taxes

Last updated on December 3, 2014

*Please note that this may not be a comprehensive list of cities*

| City         | Recreational Tax | Medical Tax | Approved | Notes                                                                                                                                                                                                                    |
|--------------|------------------|-------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lake Oswego  | 10%              | 5%          | Yes      |                                                                                                                                                                                                                          |
| Lakeside     | 10%              | 5%          | Yes      | Via The World.                                                                                                                                                                                                           |
| Lebanon      | 10%              | 10%         | Yes      | Via Lebanon Express.                                                                                                                                                                                                     |
| Lincoln City | 10%              |             | Yes      | Met 10-3 settled on a 10% recreational tax, medical marijuana wasn't included in the approved ordinance.                                                                                                                 |
| Madras       |                  |             | Yes      | The city council approved the taxation of marijuana on October 28, but the rate has not been set.                                                                                                                        |
| Medford      | 8%-6%            |             | Yes      | The ordinance has a separate tax of 8% on the production, processing and wholesaling of recreational marijuana. It would also tax retailers at 6%. The city will not tax medical, because of their permanent moratorium. |
| Milwaukie    | 10%              | 0%          | Yes      | Recreational sellers are entitled to retain 5% of all taxes due to defray the costs of bookkeeping and remittance.                                                                                                       |
| Nehalem      | 10%              | 5%          | Yes      | Recreational sellers are entitled to retain 5% of all taxes due to defray the costs of bookkeeping and remittance.                                                                                                       |
| Newberg      | 10%              | 5%          | Yes      |                                                                                                                                                                                                                          |
| Newport      | 0%               | 0%          | Yes      | Council will re-evaluate the rate if Measure 91 passes.                                                                                                                                                                  |
| North Bend   | 10%              | 5%          | Yes      | Via The World.                                                                                                                                                                                                           |
| North Plains | 10%              | 0%          | Yes      | Second reading and final adoption on 11-3.                                                                                                                                                                               |
| Oakridge     | 10%              | 5%          | Yes      | Via OCCMA list serve.                                                                                                                                                                                                    |
| Oregon City  | 10%              | 5%          | Yes      |                                                                                                                                                                                                                          |
| Portland     | 10%              |             | Yes      |                                                                                                                                                                                                                          |
| Redmond      | 15%              | 5%          | Yes      | Second reading occurred on 10-28, council approved.                                                                                                                                                                      |
| Reedsport    | 10%              | 5%          |          | Council enacted; however, city charter requires a public vote whenever the council wants to consider raising fees or new taxes.                                                                                          |



## Oregon Cities with Marijuana Taxes

Last updated on December 3, 2014

*Please note that this may not be a comprehensive list of cities*

| City        | Recreational Tax | Medical Tax | Approved | Notes                                                                                                                                                                                                                                                                                         |
|-------------|------------------|-------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rogue River |                  |             | Yes      | The city council approved the taxation of recreational marijuana, but the rate has not been decided. The rate will be decided by resolution after the first of the year, when the new council is sworn in.                                                                                    |
| Salem       | 10%              |             | Yes      | Medical is excluded from the tax.                                                                                                                                                                                                                                                             |
| Sandy       | 10%              | 10%         | Yes      |                                                                                                                                                                                                                                                                                               |
| Scappoose   | 20%              | 10%         | Yes      |                                                                                                                                                                                                                                                                                               |
| Seaside     | 0%               | 0%          | Yes      | The rates will be established at a later date.                                                                                                                                                                                                                                                |
| Sherwood    | 10%              | 0%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Siletz      | 10%              | 5%          | Yes      | Via News Times.                                                                                                                                                                                                                                                                               |
| Silverton   | 10%              | 0%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Springfield |                  |             | Yes      | The city council approved the taxation of recreational marijuana, but the rate has not been set.                                                                                                                                                                                              |
| St. Helens  | 20%              | 10%         | Yes      |                                                                                                                                                                                                                                                                                               |
| Talent      |                  |             | Yes      | The city council approved the taxation of recreational marijuana, but the rate has not been decided. They will not tax medical.                                                                                                                                                               |
| The Dalles  | 10%              | 5%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Tigard      | 10%              | 5%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Toledo      | 3%               | 3%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Troutdale   | 10%              | 5%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Tualatin    | 10%              | 5%          | Yes      | The ordinance requires a gross receipts tax to be applied to all legal forms of marijuana, as well as an annual tax of \$500 on establishments that allow consumption of marijuana and marijuana-infused products. Sellers can retain 5% of taxes due to costs of bookkeeping and remittance. |
| Vale        | 10%              | 5%          | Yes      | Via the Argus Observer.                                                                                                                                                                                                                                                                       |
| West Linn   | 10%              | 5%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Wilsonville | 12%              | 8%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Winston     | 10%              | 5%          | Yes      |                                                                                                                                                                                                                                                                                               |
| Woodburn    | 10%              | 5%          | Yes      |                                                                                                                                                                                                                                                                                               |

COUNCIL MEETING: August 17, 2015

AGENDA ITEM NUMBER: \_\_\_\_\_

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY, CITY MANAGER  
SUSAN GAHLSDORF, FINANCE DIRECTOR**

**FROM: TIM WOOD, ASSISTANT CONTROLLER**

**SUBJECT: Authorization for Appropriations Transfer – Municipal Court Staffing**

**ISSUE:** Oregon Budget Law provides for a transfer of appropriations within a fund when authorized by resolution of the governing body of a municipal corporation.

**Municipal Court Staffing – General Fund**

The FY15-16 Adopted Budget provides for one full-time equivalent (FTE) position in the Municipal Court Department. It has been identified that additional staffing of one-tenth FTE is needed to adequately run the court during the approximately four hours per week when court is in session. The additional one-tenth FTE will be provided for by reallocating existing Finance Department staff.

The attached resolution transfers appropriations within the General Fund from Transfers Out to Municipal Court to provide for additional staff time needed to adequately staff municipal court. This resolution is fiscally neutral as it is only moving appropriations within a fund.

**RECOMMENDATION:** Staff recommends the council adopt the attached resolution authorizing the appropriations transfer as described above.

**CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

**Resolution R2015-\_\_\_\_\_**

**AUTHORIZATION FOR APPROPRIATIONS TRANSFER - MUNICIPAL COURT STAFFING**

WHEREAS ORS 294 allows for a transfer of appropriation within a fund when authorized by resolution of the governing body of a municipal corporation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2016:

|                                                                                                                             | Adopted/<br>Amended<br>Budget | Adjustment |          | Revised<br>Budget |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------|----------|-------------------|
|                                                                                                                             |                               | Increase   | Decrease |                   |
| Municipal Court Staffing                                                                                                    |                               |            |          |                   |
| General Fund                                                                                                                |                               |            |          |                   |
| Transfers                                                                                                                   | 29,200                        |            | 7,400    | 21,800            |
| Municipal Court                                                                                                             | 191,900                       | 7,400      |          | 199,300           |
| To transfer appropriations within a fund to provide for additional personnel services time needed to staff municipal court. |                               |            |          |                   |

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**

**CITY COUNCIL MEETING: August 17, 2015**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: BILL LAWYER  
PUBLIC WORKS DIRECTOR**

**SUBJECT: VEHICLE PURCHASE FROM WATER FUND**

**DATE: August 11, 2015**

**BACKGROUND:**

The Public Works Department budgeted funds in the FY 15/16 Water Fund budget for the purchase of a new 2015 Ford F150 4x2 pickup truck to replace a 1994 Ford Ranger pickup. This vehicle will be a front line vehicle used by Water Division staff to operate and maintain the water system and perform weekly sampling activities. The 1994 pickup will be used as a reserve seasonal vehicle throughout the Public Works Department, primarily by the Parks Division during the summer months.

Staff researched pricing for this vehicle and determined procurement through the Oregon Cooperative Procurement Program (ORCPP) provided the best price to the City. Purchase of this vehicle will be from Landmark Ford for a cost of \$24,906.00.

**FISCAL IMPACT:**

Funds are available in the FY 15/16 Water Fund budget line 82.

**RECOMMENDATION:**

Staff recommends City Council adopt the attached Resolution authorizing the City Manager to purchase a 2015 Ford F150 4x2 pickup truck from Landmark Ford for \$24,906.00.

Please contact me with any questions or concerns.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2015-\_\_\_\_\_

4  
5  
6 AUTHORIZING THE CITY MANAGER TO PURCHASE 2015  
7 FORD F150 4X2 PICKUP TRUCK FOR PUBLIC WORKS  
8 DEPARTMENT  
9

10  
11 WHEREAS, the City of Keizer budgeted funds in the 2015-2016 Water fund to  
12 purchase a new 2015 Ford F150 4x2 pickup truck to replace a 1994 Ford Ranger pickup  
13 truck;

14 WHEREAS, the City has determined procurement through the Oregon  
15 Cooperative Procurement Program (ORCPP) provided the best price of \$24,906.00 from  
16 Landmark Ford;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that the City Manager  
19 is hereby authorized to purchase a 2015 Ford F150 4x2 pickup truck from Landmark Ford  
20 for a purchase price of \$24,906.00.

21 BE IT FURTHER RESOLVED that the City Manager is authorized to take any  
22 and all necessary acts to effectuate the purchase of the 2015 Ford F150 4x2 pickup truck.  
23  
24  
25

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

3 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

4

5 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

6

7

8

9

10

11

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder



**MINUTES**  
**KEIZER CITY COUNCIL**  
**Monday, July 20, 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  
Marlene Parsons, Councilor  
Roland Herrera, Councilor  
Amy Ripp, Councilor  
Brandon Smith, Councilor  
Kim Freeman, Councilor

**Staff:**

Chris Eppley, City Manager  
Shannon Johnson, City Attorney  
Nate Brown, Community Development  
Bill Lawyer, Public Works Director  
John Teague, Police Chief  
Tracy Davis, City Recorder

**Absent:**

Dennis Koho, Council President

**FLAG SALUTE**

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS  
OF BUSINESS**

Mayor Clark introduced Colleen Bush who would be sworn in as one of two representatives from Keizer on the Salem-Keizer Transit District Board. She noted that Kathy Lincoln will be the other representative.

Mayor Clark also announced the upcoming swearing in for the new Fire District Board members, Betty Hart, Mike Bauer and Chet Patterson.

**COMMITTEE  
REPORTS**

Jonathan Thompson, reported that the Planning Commission had spent the last three meetings reviewing text amendments related to infill development. He provided details on the changes made to balance the protection of the existing neighborhoods and aid those trying to provide for the City's housing needs.

Community Development Director Nate Brown explained that these changes do not apply retroactively to current applications and the changes do not effect density or lot sizes but they create design standards and thresholds. Additional discussion took place regarding parking requirements.

**a. RESOLUTION –  
Amending the  
Community**

City Attorney Shannon Johnson explained that the Community Build Task Force is recommending a reduction in membership (to 7 members) since the task remaining is fundraising and securing maintenance volunteers.

**Build Project Task Force; Amending Resolution No. R2013-2342; Repealing Resolution No. 2015-2526**

Councilor Parsons moved that the Keizer City Council adopt a Resolution Amending the Community Build Project Task Force; Amending Resolution No. R2013-2342; Repealing Resolution No. 2015-2526. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ripp and Herrera (6)  
NAYS: None (0)  
ABSTENTIONS: None (0)  
ABSENT: Koho (1)

Councilor Parsons moved that Keizer City Council appoint Janet Carlson, Richard Walsh, David Loudon, Marleen Parsons, Brandon Smith, Ron Freeman and Lore Christopher to the Community Build Task Force. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ripp and Herrera (6)  
NAYS: None (0)  
ABSTENTIONS: None (0)  
ABSENT: Koho (1)

**PUBLIC TESTIMONY**

None

**PUBLIC HEARINGS**  
**a. RESOLUTION – Authorizing the City Manager to Enter Into a Transaction for the Sale of City Owned Property in Keizer Station – Area C to Mountain West Senior Housing LLC dba Bonaventure Senior Housing**

Mr. Johnson explained that a public hearing must be held when publically owned property is being sold. He provided a detailed history on the subject property and details on the agreed upon price noting that the property is where the McLeod extension will be. He noted that this property was originally purchased with street funds so proceeds from this sale must go back into that fund and that the City Manager is authorized to move forward with a lot line adjustment to facilitate the sale.

*Mayor Clark opened the Public Hearing.*

*Mark Grenz, Multi Tech Engineering, announced that he was the project engineer for Bonaventure and Mountain West.*

*Tony Kritzberg, General Counsel for Bonaventure, provided information and clarification regarding the price per square foot of the land.*

*Hearing no further testimony, Mayor Clark closed the Public Hearing.*

Councilor Parsons moved that the Keizer City Council adopt a Resolution Authorizing the City Manager to Enter Into a Transaction for the Sale of City Owned Property in Keizer Station – Area C to Mountain West Senior Housing LLC dba Bonaventure Senior Housing. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ripp and Herrera (6)  
NAYS: None (0)  
ABSTENTIONS: None (0)  
ABSENT: Koho (1)

**ADMINISTRATIVE ACTION**

**a. ORDINANCE – Amending Solid Waste Management Ordinance; Amending Ordinance No. 2010-612**

Mr. Johnson explained that the franchises had requested some housekeeping changes to the Solid Waste Management Ordinance which clarify ownership of the receptacles and what is prohibited. The changes are reflected in this ordinance. Mr. Johnson explained that the resolution is unnecessary because the Council role was eliminated by the 2010 Ordinance.

Councilor Quinn moved that the Keizer City Council adopt an Ordinance Amending Solid Waste Management Ordinance; Amending Ordinance No. 2010-612. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ripp and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

Councilor Quinn moved that the Keizer City Council adopt a Resolution Repealing Resolution R2005-1617 (Resolution Determining the Recyclable Material for Solid Waste Management). Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ripp and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**b. RESOLUTION – Amending Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process; Amendment of Ordinance No. 2014-702**

Mr. Johnson explained that this action would clarify that the City's definition of school is the same as the State definition.

Councilor Quinn moved that the Keizer City Council adopt a Resolution Amending Ordinance Adopting the Keizer Medical Marijuana Facility Permit Process; Declaring an Emergency; Amendment of Ordinance No. 2014-702. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Parsons, Freeman, Smith, Ripp and Herrera (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho (1)

**CONSENT CALENDAR**

- a. RESOLUTION – Authorizing the City Manager to Purchase 2016 Ford Fusion S Hybrid FWD Vehicles for Police Department
- b. RESOLUTION – Authorizing the City Manager to Enter Into Agreement with DeSantis Landscapes, Inc. for Vegetated Stormwater Facility (VSF)
- c. Approval of July 6, 2015 Regular Session Minutes

Councilor Parsons moved to approve the Consent Calendar. Councilor Smith 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 Herrera shared statistics for one of the Volcano baseball team players, thanked Clint Holland for the free concerts, and announced the upcoming Keizer Points of Interest Committee meeting and the Fire District Swearing In ceremony.

Councilor Parsons announced that the Community Build Task Force is working on the signage which will be installed before the Open House on August 29.

Councilor Ripp reported that Bob Zielinski is the new president of the Keizer Chamber Board, reviewed events related to the KNOW ladies group (Keizer's Network of Women), announced the upcoming Art Commission meeting and reported that she had attended the Commissioners' Breakfast, Marion County Fair and a legislative dinner.

Councilor Smith reported on actions of the Parks Advisory Board including award of a grant for work at the Keizer Rapids Park Rotary Amphitheater, budget discussion to address loss of funds related to the terminated lease of the hazelnut orchard, and recognition of Bill Lawyer's lengthy dedication to Keizer parks and the Parks Board. Mr. Smith also announced the August 4 National Night Out event.

Councilor Freeman announced that the Volunteer Coordinating Committee had filled a vacancy on the Arts Commission, commended Clint Holland for the concerts in the park, thanked Bill Lawyer for fixing a hole at Chemawa and Verda and announced volunteer openings on various committees.

Mayor Clark praised the Big Toy playground, invited everyone to the Keizer Homegrown Theater Shakespeare in the Park event, thanked Councilors Ripp and Koho for attending events in her place, congratulated incoming chamber President Bob Zielinski and thanked outgoing president Audrey Butler for her service. She announced upcoming meetings including the Oregon Municipal Planning Organizations Consortium, Salem-Keizer Area Transportation Study, and the Oregon Mayors' Association.

## **OTHER BUSINESS**

Police Chief John Teague announced that the City website has registration information for National Night Out. The KPD believes the spirit of this event is so the citizens can meet the police and they will be focusing on that effort. He added that a woman arrested last year around Christmas for burglarizing cars was sentenced to over 10 years.

Public Works Director Bill Lawyer provided an update on the roundabout project at Chemawa and Verda noting that ODOT now has possession of

4 of the 5 properties needed for the project; the 5<sup>th</sup> one is under the 30-day waiting period so the project is 'good to go'. He provided information regarding progress of Parks Board grant projects including the sand volleyball court and concrete work at the amphitheater. He noted that because the latter project overlapped into this fiscal year, he would be requesting a budget adjustment from last year to this year for Council approval.

**WRITTEN  
COMMUNICATIONS**

Mayor Clark urged citizens to check the city website for National Night Out information.

**AGENDA INPUT**

**August 3, 2015**

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

**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

**ADJOURNMENT**

Mayor Clark adjourned the meeting at 8:05 p.m.

MAYOR:

APPROVED:

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Cathy Clark

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Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

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~ Absent ~

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Councilor #1 – Dennis Koho

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Councilor #4 – Roland Herrera

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Councilor #2 – Kim Freeman

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Councilor #5 – Amy Ripp

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Councilor #3 – Marlene Parsons

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Councilor #6 – Brandon Smith

Minutes approved: \_\_\_\_\_

**COUNCIL MEETING: August 17, 2015**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: Chris Eppley, City Manager**

**FROM: Susan Gahlsdorf, CPA  
Finance Director**

**SUBJECT: Surplus Property Report Fiscal Year 2014-2015**

**BACKGROUND:** City Ordinance No. 2008-579 provides that staff shall provide a Surplus Property Report to the City Council no later than August 31 each year for the previous fiscal year. Such report shall indicate the surplus items sold or otherwise disposed of, the method of sale and the revenue from sales.

**ISSUE:** I have consulted with all Departments within the City and with Keizer 23 staff and have reviewed receipts for the year to identify the property disposed of, the method of sale and the revenue from sales.

1. The Police Department disposed of unclaimed personal property items through PropertyRoom.Com. The total revenue from the sale of these items was \$54.80 for the year.
2. Throughout the year, the Public Works Department collects and sorts various scrap metal items such as old meters, water system parts, pipe, old signs etcetera. These items are sold to Cherry City Metals. Total revenue from the sale of scrap metal was \$2,497.21 for the year.
3. The Public Works Department traded in a 1999 van when it purchased a new vehicle from Landmark Ford and received \$500.00 trade-in value as authorized by the City Council (R2014-2525.)
4. On March 16, 2015, the City Council authorized the sale of 6 surplus vehicles:
  - a. 1999 Acura Integra
  - b. 2000 Ford Crown Vic
  - c. 2000 Lincoln LS
  - d. 2002 Jeep Liberty
  - e. 2004 Crown Vic
  - f. 2004 Crown Vic

This items have not yet sold and will be listed on a future Surplus Property Report when disposition is complete.

According to City Staff, there was no computer equipment, vehicles, real property, heavy equipment or other items disposed of in fiscal year 2014-2015 other than those identified above.

**RECOMMENDATION:** This report is for information only. No action is required.