

CITY OF KEIZER MISSION STATEMENT

KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION

A G E N D A
KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, August 15, 2016

6:00 p.m.

**Keizer Civic Center
Keizer, Oregon 97303**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION**
 - a. Pursuant to ORS 192.660(2)(e) – *To conduct deliberations with persons designated by the governing body to negotiate real property transactions;*
AND**
 - b. Pursuant to ORS 192.660(2)(f) - *To consider information or records that are exempt by law from public inspection;***
- 4. ADJOURN**

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

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public. The media may attend the session, unless the Oregon State Statutes specifically prohibits media attendance. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

AGENDA

KEIZER CITY COUNCIL **REGULAR SESSION**

Monday, August 15, 2016

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. Solid Waste and Recycling Services and Rates

8. **ADMINISTRATIVE ACTION**

a. Newberg Drive Neighborhood and McNary High School

b. **ORDINANCE** – Amending Keizer Development Code Regarding Section 1.200 (Definitions), Section 2.110 (Commercial Mixed Use), Section 2.308 (Signs), Section 2.407 (Home Occupations), and Section 2.434 (Mobile Food Vendors); Amending Ordinance 98-389

RESOLUTION – Amending Land Use and Sign Permit Fees Unrelated to Partitions and Subdivisions; Amending R2016-2679

c. Marijuana Distancing Requirements

d. Lighting of Additional Fields at the Keizer Little League Complex

e. Appointment of Councilor to Selection Committee Relating to Management of the Keizer Little League City Park

9. CONSENT CALENDAR

a. RESOLUTION – Authorizing the City Manager to Sign Keizer Station Area C Petition to Form Local Improvement District for Street Lighting

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 2015-2016

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

September 6, 2016 (Tuesday)

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

September 12, 2016

5:45 p.m. – City Council Work Session

- Annual Keizer Parks Tour

September 19, 2016

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

14. ADJOURNMENT

CITY COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR AND CITY COUNCIL

**FROM: CHRISTOPHER C. EPPLEY
CITY MANAGER**

SUBJECT: SOLID WASTE AND RECYCLING SERVICES AND RATES

BACKGROUND

Loren's Sanitation Services and Valley Recycling and Disposal, our two franchised solid waste haulers and recyclers are proposing a rate increase in their fee structure in response to a 30% increase in tipping fee at the Covanta waste burner plant. They have provided options for the Council to review regarding the relationship between the residential and commercial rate classes. Their proposal is provided for your review.

RECOMMENDATION

Staff recommends that the City Council hold a public hearing to take public input regarding the solid waste rate increase request and evaluate the appropriateness of approving the rate increase. If the Council agrees that the requested increase is warranted, it is then recommended that the City Council direct staff to prepare the appropriate Order to bring back at the first City Council Meeting in September authorizing the rate increase as allowed for within the applicable solid waste hauler franchise agreements.

City of Keizer
Franchised Solid Waste Collection Rates
Proposed Changes to be Effective October 1, 2016

The franchised collection companies for the City of Keizer are requesting a change to current collection rates due to changes in the operating costs of collection. Valley Solid Waste Management Corp. DBA Valley Recycling & Disposal, Inc. and Loren's Sanitation and Recycling, Inc. experience general changes in costs of operations on a recurring basis every year. However in 2016 on October 1 the disposal tip fees for both solid waste delivered to the Marion County Waste to Energy facility and yard debris delivered to the Process and Recovery Center will change. Disposal costs account for approximately 33% of all operating costs of the collection companies in the City of Keizer franchised area. Below are three options to changes in rates to cover the projected change in costs effecting the collection services beginning in October of 2016.

Option 1:

The first option proposed to the City is to increase residential and multi-family cart rates by 7% to recover the projected increase in costs to both residential and commercial services. Rates for extra pick-ups are also increased by 7%. Yard debris only services are increased by a lesser amount than the residential increase because these services are not impacted by the solid waste tip fee increase. Commingle Recycle only service costs are not projected to be impacted significantly so there is no proposed rate change for that service. Commercial and Residential medical waste rates reflect the projected costs increase for disposal of those specific material. Drop box service rates are proposed to be adjusted to cover the additional costs of franchise fees on the increased pass through disposal costs. Customers will continue to pay disposal costs as incurred on each box serviced at the current disposal rate in effect at the time of service. Some special service rates are proposed to change in line with changes to the residential rates.

Option 2:

The second option proposed to the City is to increase residential and multi-family cart rates by 4% and commercial service rates by 7% to recover the projected increase in costs. As in option 1 rates for extra pick-ups are increased by 7%. Yard debris only services are increased by a lesser amount than the residential increase because these services are not impacted by the solid waste tip fee increase. Commingle Recycle only service costs are not projected to be impacted significantly so there is no proposed rate change for that service. Commercial and Residential medical waste rates reflect the projected costs increase for disposal of those specific material. Drop box service rates are proposed to be adjusted to cover the additional costs of franchise fees on the increased pass through disposal costs. Customers will continue to pay disposal costs as incurred on each box serviced at the current disposal rate in effect at the time of service. Some special service rates are proposed to change in line with changes to the residential rates.

Option 3:

The third option proposed to the City is to increase residential and multi-family cart rates by 5% and commercial service rates also by 5% to recover the projected increase in costs. As in option 1 rates for extra pick-ups are increased by 7%. Yard debris only services are increased by a lesser amount than the residential increase because these services are not impacted by the solid waste tip fee increase. Commingle Recycle only service costs are not projected to be impacted significantly so there is no proposed rate change for that service. Commercial and Residential medical waste rates reflect the projected costs increase for disposal of those specific material. Drop box service rates are proposed to be adjusted to cover the additional costs of franchise fees on the increased pass through disposal costs. Customers will continue to pay disposal costs as incurred on each box serviced at the current disposal rate in effect at the time of service. Some special service rates are proposed to change in line with changes to the residential rates.

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

	2015 Rate	Option #1 Draft 2016 Rate	Option #2 Draft 2016 Rate	Option #3 Draft 2016 Rate
(1) RESIDENTIAL - CURB SIDE CART SERVICE PACKAGES	12.32	13.18	12.81	12.94
<u>(A) 20 gallon solid waste cart service only</u> This service includes recycling				
<u>(B) 20 gallon solid waste cart service</u> Service consists of one 20 gallon solid waste cart collected weekly, one 95 gallon mixed recycle cart collected bi-weekly, and one 95 gallon organic cart collected weekly	19.30	20.65	20.07	20.27
<u>(C) 35 gallon solid waste cart service</u> Service consists of one 35 gallon solid waste cart collected weekly, one 95 gallon mixed recycle cart collected bi-weekly, and one 95 gallon organic cart collected weekly	21.45	22.95	22.31	22.52
Each occasional extra pick up (17 gallon equals 30lbs.)	2.50	2.68	2.68	2.68
Each occasional extra pick up (35 gallon equals 60lbs.)	5.00	5.35	5.35	5.35
<u>(D) 65 gallon solid waste cart service</u> Service consists of one 65 gallon solid waste cart collected weekly, one 95 gallon mixed recycle cart collected bi-weekly, and one 95 gallon organic cart collected weekly	29.30	31.35	30.47	30.77
Each occasional extra pick up (17 gallon equals 30lbs.)	2.50	2.68	2.68	2.68
Each occasional extra pick up (35 gallon equals 60lbs.)	5.00	5.35	5.35	5.35
<u>(E) Residential "On Call" service</u>	6.42	6.87	6.68	6.74
<u>(F) Extra Yard Debris Cart</u> Residential full service only - per cart	6.27	6.35	6.31	6.32
<u>(G) Yard Debris Cart Only</u> Residential and non-residential rate	11.94	12.08	12.02	12.04
<u>(H) Contamination Fee</u>	10.31	11.03	10.72	10.83
<u>(I) Commingle Recycle Only Cart</u> Residential and non-residential rate	10.31	10.31	10.31	10.31

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

	2015 Rate	Option #1 Draft 2016 Rate	Option #2 Draft 2016 Rate	Option #3 Draft 2016 Rate
(2) RESIDENTIAL-MULTI FAMILY & MOBILE HOME PARKS				
(1) 4 Units or less				
20 gallon: full service	16.73	17.90	17.40	17.57
20 gallon: opt-out yard debris	11.51	12.32	11.97	12.09
35 gallon: full service	18.60	19.90	19.34	19.53
(2) 5 Units or more - single billing				
20 gallon: no yard debris	11.40	12.20	11.86	11.97
35 gallon: no yard debris	13.17	14.09	13.70	13.83

Residential Full Service Includes:

Haulers will make available color-coded calendar for each customer that specifies bi-weekly collection schedule

Haulers provide automated roll carts - included in service price

Customers will not place larger items or over fill cart. Overfilled carts will be charged accordingly.

Customers will not place hazardous chemicals, paint, corrosive materials or **hot ashes** into the carts

Roll cart service may not be appropriate for customers that do not provide access to the cart (for automated equipment) - or for non-compliance with restrictions outlined above.

Damaged carts will be billed at replacement cost

A vacation credit shall be given for Customers who stop service for a period of three consecutive weeks or longer. Not to exceed 2 times per year.

Maximum Cart Weights

- 20 gallons - 40 lbs per week
- 35 gallons - 60 lbs per week
- 65 gallons - 120 lbs per week
- 95 gallons - 150 lbs per week

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

	2015 Rate	Option #1 Draft 2016 Rate	Option #2 Draft 2016 Rate	Option #3 Draft 2016 Rate
(3) COMMERCIAL ROLL CART SERVICE				
Commercial 35 gallon roll cart - curb	15.58	15.58	16.67	16.36
Commercial 65 gallon roll cart - curb	22.94	22.94	24.55	24.09
Commercial 65 gallon food waste	12.20	12.20	13.05	12.81
Commercial 95 gallon roll cart - curb	30.30	30.30	32.42	31.82

Haulers to provide automated roll carts - included in service price

Customers will not place larger items or over fill cart (lid must close completely prior to collection)

Customers will not place hazardous chemicals, paint, corrosive materials or **hot ashes** into the carts

Roll cart service may not be appropriate for customers that do not provide access to the cart

(for automated equipment) - or for non-compliance with restrictions outlined above.

Commercial roll cart service includes one 95 gallon commingle cart - any additional carts will be billed at \$2.00/month per cart

Cardboard service provided with container service

Cardboard service provided with cart services will be billed \$10.00 per month container rental fee.

Maximum Cart Weights

35 gallons - 60 lbs per week

65 gallons - 120 lbs per week

95 gallons - 150 lbs per week

(A) BUNDLES, BOXES, SACKS, OR OVERFILLED CARTS

Rate based on volumes equivalent to 35 gallon cart

	2015 Rate	Option #1 Draft 2016 Rate	Option #2 Draft 2016 Rate	Option #3 Draft 2016 Rate
(4) CONTAINER SERVICE - Weekly Service, Monthly Rate				
(A) CONTAINER - MANUAL FRONT LOAD - LOOSE				
One yard				
First stop	68.28	68.28	73.06	71.69
Each added stop	58.09	58.09	62.16	60.99
One & one-half yard				
First stop	96.08	96.08	102.81	100.88
Each added stop	85.88	85.88	91.89	90.17
Two yard				
First stop	123.11	123.11	131.73	129.27
Each added stop	112.91	112.91	120.81	118.56
Three yard				
First stop	176.61	176.61	188.97	185.44
Each added stop	166.41	166.41	178.06	174.73
Four yard				
First stop	224.24	224.24	239.94	235.45
Each added stop	214.05	214.05	229.03	224.75
Five yard				
First stop	274.27	274.27	293.47	287.98
Each added stop	264.08	264.08	282.57	277.28
Six yard				
First stop	322.32	322.32	344.88	338.44
Each added stop	312.12	312.12	333.97	327.73

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

		2015	Option #1	Option #2	Option #3
		Rate	Draft	Draft	Draft
			2016 Rate	2016 Rate	2016 Rate
(B) CONTAINER - AUTOMATED FRONT LOAD - LOOSE					
Two yard	First stop	113.06	113.06	120.97	118.71
	Each added stop	103.89	103.89	111.16	109.08
Three yard	First stop	147.03	147.03	157.32	154.38
	Each added stop	136.83	136.83	146.41	143.67
Four yard	First stop	192.32	192.32	205.78	201.94
	Each added stop	182.12	182.12	194.87	191.23
Five yard	First stop	238.62	238.62	255.32	250.55
	Each added stop	228.43	228.43	244.42	239.85
Six yard	First stop	281.82	281.82	301.55	295.91
	Each added stop	271.63	271.63	290.64	285.21

One time container locking fee \$30.00/per container

Hauler may, at their discretion, include a "no fee/no key" lock on recycling containers

Container delivery fee - \$30.00 for container use on short term rental basis

		2015	Option #1	Option #2	Option #3
		Rate	Draft	Draft	Draft
			2016 Rate	2016 Rate	2016 Rate
(C) RESIDENTIAL SPECIAL CLEAN-UP CONTAINER					
Two yard	First stop	58.55	62.65	60.89	61.48
	Each added stop	33.55	35.90	34.89	35.23
Container must be accessible to truck: weight limit 750 lbs					
Three yard	First stop	90.30	96.62	93.91	94.82
	Each added stop	64.05	68.53	66.61	67.25
Container must be accessible to truck: weight limit 1000 lbs					

(D) CONTAINER - COMPACTED

Customer supplies the compactor and container. Rate for first and added stop is triple the rate for same size container for shredded, altered or mechanically compacted waste.

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

(5) DROP BOX SERVICE / COMPACTOR

All rates are plus disposal fee, rental charges, and mileage, where applicable

Minimum service: 10 cubic yard

				2015	Proposed
				Rate	Draft
					2016 Rate
(A) LOOSE MATERIAL					
10 yard	Temp box delivery fee	30.00		131.25	132.69
20 yard	Temp box delivery fee	30.00		131.25	134.13
30 yard	Temp box delivery fee	30.00		153.30	157.62
40 yard	Temp box delivery fee	30.00		196.99	202.75
(B) COMPACTED MATERIAL					
Cost per yard for service (25 YD MINIMUM)					
Customer supplies compactor or box (per yd for first 25 yds)				6.52	
Minimum				163.00	
Disposal fee x 1.11% the cost of disposal ticket					
(C) ADDITIONAL CHARGES					
Rental per day, after first 48 hours				7.00	
Monthly rental				72.00	
Mileage charge for more than five mile radius from base station, per running mile				1.13	

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

(6) MEDICAL WASTE COLLECTION RATES

(A) Services provided by Marion Environmental Service

Commercial Medical Waste Collection Rate		Current Rate	Proposed Rate	Proposed Rate
	Heavy Volume	Low Volume	Heavy Volume	Low Volume
	75+ Boxes	1-74 Box	75+ Boxes	1-74 Box
20 Gallon Bx/Bg Keizer	13.40	18.35	13.40	19.98
Ea. Addtl. 20 Gallon Bx/Bg Keizer	10.50	14.40	10.50	15.68
35 Gallon Bx/Bg Keizer	15.05	20.65	15.05	22.49
Ea. Addtl. 35 Gallon Bx/Bg Keizer	12.15	16.70	12.15	18.19
Salem Hospital - Pick-up only - No Box/Bag Supplied		Proposed Rate - No Change		
20 Gallon Bx/Bg Keizer	7.07		7.07	
35 Gallon Bx/Bg Keizer	7.57		7.57	
Items Purchased				
Lids				
20 Gallon ~ 35 Gallon Lids	4.40		4.40	
Sharps				
Sharps Containers	7.90		7.90	
Haulers Sharps Case	179.50		179.50	
Haulers Sharps Containers	4.50		4.50	

Box/Bags	Current Rate	Proposed Rate
		No Change
20 Gallon Bag only	1.02	1.02
20 Gallon Box only	5.85	5.85
20 Gallon Box~Bag	7.00	7.00
20 Gallon Bags per case/100	117.80	117.80
35 Gallon Bag only	1.75	1.75
35 Gallon Box only	6.70	6.70
35 Gallon Box~Bag	8.40	8.40
35 Gallon Bags per case/100	173.90	173.90
Storage Container Rental		
Monthly Renal	24.70	24.70

Minimum \$30.00/\$100.00 Hourly Rate Trip Charge = \$1.66 per minute

	Current rate	Proposed Rate
(B) RESIDENTIAL BIO-MEDICAL SHARPS CONTAINER (OAR 437-02-360)	11.99	13.00

One gallon specially designed container, delivered to the door. To be used until filled and then collected by hauler separately from municipal solid waste. May not be left at the curb for pick up.

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

(7) SPECIAL SERVICES AND MISCELLANEOUS SERVICES

If debris exceeds 10 yards, use drop box at hauler's discretion. Unless noted, prices reflect disposal only, trip charges may apply.

CALL BACK SERVICE

10.00

(A) JANITORIAL SERVICES, CALL BACKS, AND OTHER SPECIAL SERVICES

	Current	Proposed - No Change	Current	Proposed - No Change
	One Man	One Man	Two Man	Two Man
All fees in addition to disposal				
1/4 hour	25.00	25.00	35.00	35.00
1/2 hour	50.00	50.00	70.00	70.00
3/4 hour	75.00	75.00	105.00	105.00
1 hour	100.00	100.00	140.00	140.00

All fees in addition to disposal charged at \$13.00 per yard

Maximum trip charge 30.00

(B) TIRES

	Current rate	Proposed - No Change rate
Passenger tires (up to 16")	6.00	6.00
Passenger tires (up to 16") w/rims	8.00	8.00
Truck tires	14.00	14.00
Truck tires w/rims	24.00	24.00

Tractor tires - special service and disposal rates apply

FRANCHISED SOLID WASTE COLLECTION RATES
CITY OF KEIZER - Proposed Rate Change October 1, 2016

(C) LARGE MAJOR APPLIANCES AND FURNITURE

Appliances \$10.00 - \$15.00 service fee for large appliances - plus cost for freon removal, and hourly labor to remove and dispose.

	<u>Current rate</u>	Option #1 Draft 2016 Rate	Option #2 Draft 2016 Rate	Option #3 Draft 2016 Rate
Special items:				
1.) large furniture (couch, dresser, etc.)	13.00 - 18.00	14.00 - 19.25	13.50 - 18.75	13.65 - 19.00
2.) small furniture (arm chair)	8.00 - 13.00	9.00 - 14.00	8.25 - 13.50	8.50 - 13.65
3.) hide-a-bed	18.00 - 23.00	19.00 - 24.50	18.75 - 24.00	18.90 - 24.15
4.) table & 3-4 chairs	8.00	8.56	8.32	8.40
5.) mattresses				
twin	7.00	7.49	7.28	7.35
twin box spring	6.50	6.96	6.76	6.83
full/queen	9.00	9.63	9.36	9.45
full/queen box spring	8.00	8.56	8.32	8.40
king	11.00	11.77	11.44	11.55
double twin box spring for king	10.00	10.70	10.40	10.50
(rates increase if items are wet)				
6.) bathtub/sink/toilet				
fiberglass tub/shower	11.00 - 15.00	11.75 - 16.00	11.50 - 15.50	11.65 - 15.75
cast iron tub/shower	will quote	will quote	will quote	will quote
sink/toilet	5.00 - 9.00	5.35 - 9.65	5.25 - 9.35	5.30 - 9.50
double sinks	will quote	will quote	will quote	will quote
7.) hot water heaters	10.00 - 15.00	10.75 - 16.00	10.50 - 15.50	10.60 - 15.75
8.) carpets	will quote	will quote	will quote	will quote
9.) computers & peripherals	13.00	13.00	13.00	13.00
10.) televisions & monitors				
15-20"	13.00	13.00	13.00	13.00
20-32"	18.00	18.00	18.00	18.00
32"	23.00	23.00	23.00	23.00
larger	will quote	will quote	will quote	will quote

(8) RESTART (delinquent customers)

Restart delinquent account fee	10.00
Precise charge for receptacle pick-up and return, all areas:	
per set of carts	25.00
per container	25.00
per drop box	25.00

COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER: _____

To: Mayor Cathy Clark and Keizer City Council Members
Thru: City Manager Chris Eppley
Thru: Chief John Teague
From: Sergeant Trevor Wenning
Date: August 4, 2016
Subject: Newberg Drive Neighborhood and McNary High School

Issue

Should the City mitigate the impact of traffic caused by McNary High School on the Newberg Drive neighborhood?

Discussion

During the 2015-16 school year the Keizer Police Department fielded numerous calls for service in the area of Newberg Dr and MacArthur St, adjacent to McNary HS. The complaints included illegal parking, traffic volume, speeding vehicles, traffic noise, trash, and the unlocked man gate on the northwest side of McNary HS.

Usually, residents Mr. Charles Anderson and Mr. Michael Catlow were the complainants. Patrol officers in addition to the Traffic Safety Unit and School Resource Officer (SRO) Dave Zavala responded to the complaints and took appropriate actions, although not always to Mr. Anderson's satisfaction.

The Police Department, McNary HS, and the Salem-Keizer Public Schools district have spent a lot of time responding to the complaints, especially to Mr. Anderson's. What follows are synopses of the complaints and some analyses. From the outset, it's noteworthy that, one, the Police Department cannot focus upon the Newberg Drive to the exclusion of other areas of the city, and, two, it's certain that any long-term resolution will not be increased law enforcement.

Illegal Parking

Mr. Charles Anderson lives at 5303 Newberg Dr N, which is situated on the northwest corner of Newberg Dr N and Max Ct N. A common complaint is of students parking within ten feet of a fire hydrant that sits on the southeast corner of Newberg Dr N and MacArthur St N.

While the volume of students' cars in the neighborhood is significant, other than the fire hydrant violations, the students rarely park illegally. That said, it's noteworthy that Mr. Anderson has a

trailer illegally parked on the roadway. The Department has warned him to move it numerous times, but he has not.

Michael Catlow lives at 5302 Newberg Dr N, across from Mr. Anderson. Mr. Catlow's residence is situated on the northeast corner of Newberg Dr and MacArthur St N and abuts McNary HS. Mr. Catlow's primary complaint stems from McNary students parking along the south side of his residence. When students park their vehicles perpendicular to his property, their bumpers hang over the presumed property line, and Mr. Catlow cannot maintain this portion of his yard. In the winter, he added, vehicles tear up the ground and leave muddy ruts, additionally making his property look unkempt. We have suggested the City may be able to do some work to prevent the muddiness, including laying gravel. At the time of that conversation, Mr. Catlow was open to the idea.

I contacted Public Works Director Bill Lawyer and suggested a clean-up of the right-of-way and placement of gravel along the affected portions of MacArthur St N. Mr. Lawyer informed me the City could do that but there would have to be some notifications made to other neighbors advising that some of their landscaping would have to be removed if the whole of the right-of-way was to be affected. I asked that he hold off until we were certain the clean-up would contribute to resolving the larger problem.

Considerations

- Students parking on Max Ct and MacArthur St are doing so legally; the parking area is city right-of-way.
- Students who park perpendicular to the Catlow property, encroach upon his property. This is a civil issue much like a tree growing over a fence line and hanging over its neighbor's property.
- On July 7, 2016, Mr. Catlow and I had a scheduled meeting to discuss whether or not he was still interested in the packed gravel. At this meeting he informed me he was no longer interested in the City improving the right of way.
- Parking in front of a fire hydrant is unlawful and the illegal parking is enforced; however, in keeping with the Department's emphasis on procedural justice, officers, usually the McNary School Resource Officer (SRO), first attempt contact with the registered owners—usually students—to have them move the vehicles (for first offenses).
- McNary's film class produced a video specific to parking in the Newberg Drive area. The video, which explains the relevant laws and encourages respect for the neighborhood, is looped before, during, and after school on the Commons area television screens.

Speeding Vehicles

Mr. Anderson and other neighbors complained about speeding vehicles on Newberg Drive.

Considerations

- The Police Department is fully aware of the speeding problem and the Newberg neighborhood is not unique, except that the Newberg area is impacted by McNary HS traffic during specific times, twice per day; nevertheless, many areas of the City have an equally valid need and request for speed enforcement.
- The Traffic Safety Unit only has one full time officer doing directed enforcement.
- The Traffic Safety Unit routinely applies for a grant for overtime specific to speed enforcement.

Traffic Volume and Traffic Noise

Mr. Anderson notes that he is a retiree and complains that the school-related traffic noise wakes him on school mornings. He believes the majority of the problem involves parents temporarily stopping to drop off their children for the students to walk through the man gate at the terminus of MacArthur St near the football field.

In addition, Mr. Anderson complains that he has difficulty leaving his home in the afternoons due to the volume of traffic caused by the release of students at the end of the school day.

Considerations

- Traffic volume is a combination of neighborhood, cut-through, and school-related traffic. Generally, Oregon law allows for a motorist to temporarily stop on a roadway to load or unload passengers. Furthermore, regulating traffic volume is not a matter of law enforcement.
- The complaint of traffic volume and noise is not unique to the Newberg Drive area. All of the schools and some of the retail areas have similar impacts upon the surrounding or nearby neighborhoods.

Trash

Neighbors complain that students leave large amounts of trash behind when they park in the neighborhood.

I had a discussion with an unidentified neighbor who lives on Max Ct about trash. He told me he does not see vast amounts of trash but believes it could be a problem. At the time of this discussion there were orange peels in the roadway in front of his house. The peels were far enough out in the roadway that one could easily envision a car parked along the curb and a driver dropping the peels outside the window. This neighbor told me students sometimes use his trash cans when they are close to the curb but he finds they use the wrong can (e.g., a banana peel in the paper recycling bin); subsequently, he said he has received notes from the garbage company about the appropriate use of the bins.

Considerations

- Officer Zavala, McNary campus monitors, and others have monitored this issue throughout the year and have found the amount of trash found in the area is consistent with other neighborhoods.
- McNary placed a trash can at the man gate entering the property and this has helped.
- McNary's film class produced a school video which is looped before, during and after school on the Commons area television screens. The video speaks to the importance of being a good citizen and policing after oneself.

The Man Gate

McNary HS has a fence surrounding its property. There are several man gates that allow access to the property, including one allowing access to MacArthur St. Neighbors want McNary's administration to lock this gate to prevent students from parking in the neighborhood and to prevent parents from dropping off their children who would then access the property through the gate. Mr. Anderson and Mr. Catlow feel this singular act would eliminate all of their concerns and complaints.

The request is simple but the decision to lock the gate is complicated. McNary HS Principal Eric Jespersen explained his job is two-fold: one, to give students accessibility to school and, two, to educate them. Mr. Jespersen feels that by locking the gate he is putting up additional barriers for those kids who already find it difficult getting it to school.

McNary HS has the second-largest student population in the district, with more than 2,000 students. A team from the school district performed an assessment and concluded McNary is overcrowded and offered Mr. Jespersen two portable classrooms to help alleviate the stress on the classroom environment. Mr. Jespersen turned down the classrooms because they would occupy sixty parking spaces.

The school has just over 500 parking spaces, of which 330 are dedicated to the student body. Permits are sold each semester for \$15.00 and can only be purchased by 11th & 12th grade students. Those students must have a 2.0 GPA, 90% attendance and a valid driver's license. Unsold permits may be purchased by 10th grade students who otherwise meet the qualifications.

About ten years ago, Oregon law changed to restrict provisional drivers from having passengers who were not family members ride in the car for the first six months. This law prohibits students from car-pooling.

McNary has a closed campus however juniors and seniors may be granted a lunch release with a parent signature. Students who remain on campus are only allowed in designated areas to include cafeteria, commons, gym hallway and in front of the school. No student is allowed to sit in their

car during lunch. Along with few parking spaces than drivers, this may be an additional reason students park off campus.

Mr. Jespersen met with Mr. Anderson and another neighbor on April 6, 2016 to discuss the closing of the man gate. During this meeting, the neighbors made it clear they will not be content unless the gate is permanently locked closed. (They did say they would be willing to open the gate during football games or special events.)

On April 26, 2016 the Salem-Keizer School District Site Assessment Team looked at the overcrowding of the parking lot and of the area. They concluded the parking lot flow could be improved but the overall time it took students to leave was not unreasonable. They looked at MacArthur St and concluded this was not school property and that it was governed by local laws.

Mr. Anderson took his complaint to the Salem-Keizer Public Schools Superintendent Christy Perry who decided to leave the gate unlocked.

Mr. Anderson then appealed the decision to the school board, which also decided to keep the gate unlocked with a recommendation to look at unlocking the gate at Sandy Drive.

The Sandy Dr gate was closed several years ago due to a large number of calls for service to include loitering, illegal drug use, stashed drugs off campus, gang fights, excessive trash, criminal mischief and trespassing. The issues on the Newberg Drive side are not comparable.

To prevent a resurgence of the historical, criminal problems on Sandy Drive that were corrected with the gate's closure, the Police Department recommends keeping the Sandy Drive gate closed and locked.

Considerations

Decisions to open the gate on the Newberg Drive side and to open the gate on the Sandy Drive rest with McNary HS and the considerations are many; subsequently, many of them are reflected in the discussion above. Should the City Council wish to make a recommendation regarding opening or closing any gate, it would be prudent to take public testimony to ensure no consideration is overlooked.

Recommendation:

The Keizer Police Department has an interest in maintaining peaceful neighborhoods; subsequently, officers from the Traffic Safety and School Resource Units have contacted all involved parties and have attempted to create solutions; nevertheless, the resolution is evasive and cannot be resolved by the Police Department alone.

Discussion points for the Council include the following:

- Ask McNary HS to lock the MacArthur street gate
- Ask the High School to open the Sandy Drive gate
- Improve the right of way on MacArthur Street
- Make the Newberg Drive neighborhood permit-parking only
- Prohibit all parking on MacArthur Street
- Paint the curb in front of the fire hydrant red
- Designate parking on the north side of MacArthur Street as parallel-only
- Add sidewalks and generally improve the area (like Dearborn Ave, for example)
- Place speed bumps on Newberg Drive

CITY COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE

At the July 18, 2016 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes to revise the Code relating to the mobile food vendors. Such Ordinance is attached for your review. I have made some minor changes that are shown in blue color in the last section of the draft Ordinance.

Along with the establishment of the mobile food vendor process is a need for a fee to review applications, inspect the premises, and issue permits. At this time, there is no fee to process mobile food vendor permits. I have attached a proposed Resolution for your consideration.

State law requires that all fees be adopted by the City Council and that public comment be accepted. There is no requirement for a formal public hearing, but the Mayor should ask if any party wants to provide comment.

RECOMMENDATION:

Allow for public comment and unless there are objections or questions, adopt the following:

1. Ordinance Amending Keizer Development Code.
2. Resolution Amending Land Use and Sign Permit Fees Unrelated to Partitions and Subdivisions.

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

ESJ/tmh

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A BILL
ORDINANCE NO.
2016-_____

FOR

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING
SECTION 1.200 (DEFINITIONS), SECTION 2.110 (COMMERCIAL
MIXED USE), SECTION 2.308 (SIGNS), SECTION 2.407 (HOME
OCCUPATIONS), AND SECTION 2.434 (MOBILE FOOD VENDORS);
AMENDING ORDINANCE 98-389

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

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

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

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

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

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

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

2 The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the
3 adoption of the changes to Section 1.200 (Definitions), Section 2.110 (Commercial
4 Mixed Use), Section 2.308 (Signs), Section 2.407 (Home Occupations), and Section
5 2.434 (Mobile Food Vendors) as set forth in Exhibit "B" attached hereto, and by this
6 reference incorporated herein.

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

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

17 PASSED this _____ day of _____, 2016.

18 SIGNED this _____ day of _____, 2016.

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Mayor

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City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to Section 1.200 (Definitions); Section 2.110 (Commercial Mixed Use); Section 2.308 (Signs); Section 2.407 (Home Occupations); and Section 2.434 (Mobile Food Vendor) in the Keizer Development Code (KDC).

The City of Keizer finds that:

1. General Findings.
The particulars of this case are found within Planning file Text Amendment 2016-07. Public hearings were held before the Planning Commission on May 11, 2016, and June 8, 2016, and before the City Council on July 18, 2016. Both the Planning Commission and the City Council unanimously supported the proposed revisions.
2. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.

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

Findings: The proposed revisions to the zone code reflect a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The demonstrated need is to revise the city’s regulations affecting mobile food vendors and so therefore this text amendment complies with this review criterion.

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

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

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes. Public hearings were held before the Planning Commission on May 11, 2016, and June 8, 2016, and before the City Council on July 18, 2016. Citizens were afforded the opportunity to participate in the public process. At the public hearing before the Planning Commission representatives from the local food truck association provided testimony in support of the proposed text amendments. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of

this proposed planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The city has an adopted comprehensive plan acknowledged by the state. The adoption proceeding was conducted in a manner consistent with the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. The proposed revisions to the Keizer Development Code are consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city's SA zone is a state recognized EFU qualifying zone. The amendments involve regulations affecting the use of mobile food vendors and will not affect lands that are outside the city limits or any lawful uses occurring on those lands. The proposed amendments will comply with the Farm Land Goal and with implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands designated for commercial forest uses. There are no zone districts specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near, or adjacent to the city limits of Keizer. The amendments to the KDC do not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The proposed amendments will comply with this Goal and with implementing administrative rules.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city has a local wetland inventory of sites where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the city has been developing storm water regulations to protect water quality of the local water ways. The proposed amendments will not affect or preclude any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the proposed text amendments will be consistent with this goal and with administrative rules which implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is

required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality in the Willamette River and local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses and are enforced by appropriate state agencies which govern air emission standards. The revisions to the city's standards regarding the use of mobile food vendors will comply with this goal and with the administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. While there are some steep slopes in the northwest quadrant of the city, there are no mapped areas of steep slopes in Keizer that might warrant any special engineering. The proposed text amendments will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories parks, playgrounds, and recreational opportunities within the city limits and plans for the city's future park and recreation needs. The proposed amendments will have no impact on the recreational activities that occur on any park land within the city and will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. Current employment were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years. The adopted Economic Opportunities Analysis found there is a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. The proposed text amendments will not have any adverse impact on the economic development activities or uses within the city. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The adopted Housing Needs Analysis found that for the upcoming 20-year period that there will be a need for 4,513 new units to

house the future population. The inventory of buildable residential lands contain a supply of 315.2 acres which are vacant, partially vacant or re-developable and can accommodate an estimated 2,422 units resulting in 2,090 units which must be accommodated beyond the City's existing capacity. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need of 267 gross acres of residential land. The revisions to the city's standards regarding the use of mobile food vendors will have no impact on this goal.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, an established street system, administrative services and police services. Sanitary sewer service is provided by the city of Salem through an intergovernmental agreement. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning period. The proposed text amendments will not impact any of the city's public facilities and services. Therefore, the revisions will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The city has determined that the text amendment to standards regarding the allowance for the use of mobile food vendors will not significantly affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The proposed text amendments will have no adverse impact on the city's transportation systems and so will not affect this goal nor any implementing rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will have no impact on this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed text amendments will affect only land that is within the city limits and will not impact the use of any land being transitioned from rural to urbanized uses and so is therefore consistent with this goal.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of

lands along the Willamette River. The revisions to the city's development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

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

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

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed text amendment will revise Section 2.110 (Commercial Mixed Use) to allow a mobile food vendor as a Special Permitted Use subject to the standards within a new Section 2.434 (Mobile Food Vendors). Also included is a definition of mobile food vendor in Section 1.200 (Definitions), revisions to Section 2.308 (Signs) and revisions to Section 2.407 (Home Occupations) of the Keizer Development Code. Currently, the Development Code defines this type of use as a temporary use which is limited to a maximum of 90 days.

The revisions will allow this type of use to operate as a permanent use within the Commercial Mixed Use (CM) zone subject to meeting the standards in a new Section 2.434 (Mobile Food Vendors). These include: obtaining a permit from the city and license from Marion County; that the use is located only on a paved parking lot and not reduce the required amount of parking for any established businesses that may use the parking lot; is not located in a street right of way or blocks a driveway or drive aisle; it must be capable of being moved; screening is required if it remains more than 48 hours at the same location; if more than 2 vendors are located on the same lot then a permanent structure for eating is to be constructed; and the hours of operation are limited from 6:00 am to 11:00 pm. While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

Marijuana Retailer: A Marijuana Retailer is a person who sells marijuana items to a consumer in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Wholesaler: A Marijuana Wholesaler means a person who purchases marijuana items in this state for resale to a person other than a consumer and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Master Plan: A presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions. (5/98)

Mean sea level [Flood]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (5/98)

Medical Marijuana Facility or Facilities: A Medical Marijuana Facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 or other applicable state law and that sells, distributes, transmits, gives, dispenses or otherwise provides Medical Marijuana to qualifying patients. *In addition, as allowed by state law and applicable regulation only, "early sales" of recreational marijuana is permitted.**

*(THIS AMENDMENT SUNSETS ON DECEMBER 31, 2016 AND IS OF NO FORCE OR EFFECT AFTER SUCH DATE). (10/15)

Message Sign [Sign]: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature. (5/98)

Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with the storage of personal property. (5/98)

Mobile home [Flood]: A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by this Section. (5/98)

Mobile Food Vendor: A non-permanent use that typically is a truck, van, or trailer which have their wheels intact and have been outfitted to prepare and serve food.

2.110 COMMERCIAL MIXED USE (CM)

2.110.01 Purpose

The Commercial Mixed Use (CM) zone is the primary commercial zone within the City. The zone is specifically designed to promote development that combines commercial and residential uses. This zone will support transit use, provide new housing opportunities while allowing a full range of commercial retail, service and office uses. 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. Clusters of residential and commercial uses around landscaping features or parking areas can occur and are encouraged. The Commercial Mixed Use zone is suitable for the Commercial Plan designation. (5/98)

2.110.02 Permitted Uses

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

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Child day care** service, including family day care provider. (5/98)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- E. **Landscape** counseling and planning (0781). (5/98)
- F. **Offices** for any use listed in SIC Division C - Construction. (5/98)
- G. **Commercial printing** (275). (5/98)
- H. **Transportation, Communication and Utilities.** (5/98)
 - 1. **Public utility** structures and buildings. (5/98)
 - 2. **Post office** (43). (5/98)
 - 3. **Travel agency** (4722). (5/98)
 - 4. **Communications** (48). (5/98)

I. **Retail Trade.** (5/98)

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527). (5/98)
2. **General merchandise stores** (53). (5/98)
3. **Food stores** (54). (5/98)
4. **Automobile, recreational vehicle or trailer sales** (55), BUT EXCLUDING gasoline service stations (554). (5/98)
5. **Apparel and accessory stores** (56). (5/98)
7. **Furniture, home furnishings, and equipment stores** (57). (5/98)
8. **Eating and drinking places** (58) except as provided in Section 2.110.05, below. (5/98)
9. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598). (5/98)
10. **Electrical and lighting shops and office machines and equipment stores.** (5/98)

J. **Business, Professional and Social Services.** (5/98)

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
2. **Hotels, motels and tourist courts** (701). (5/98)
3. **Organization hotels and lodging houses** on membership basis (704). (5/98)
4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218). (5/98)
5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342). (5/98)
6. **Parking lots** (7523) except as provided in Section 2.110.05, below. (5/98)
7. **Miscellaneous repair services** (76). (5/98)
8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838). (5/98)
9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)

10. **Health services** (80), BUT EXCLUDING hospitals (806). (5/98)
 11. **Legal services** (81). (5/98)
 12. **Elementary and secondary schools** (8211). (5/98)
 13. **Correspondence schools and vocational schools** (824). (5/98)
 14. **Schools and educational services** not elsewhere classified (829). (5/98)
 15. **Social services** (83). (5/98)
 16. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
 17. **Membership organizations** (86). (5/98)
 18. **Miscellaneous services** (89). (5/98)
 19. **Pet Grooming** (6/01)
- K. **Public Administration** (91 - 97). (5/98)
- L. **Child foster home** for five or fewer children as a secondary use. (6/99)

2.110.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the CM 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. (5/98)
- E. **Transit Facilities** (Section 2.305). (05/09)
- 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. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.110.05, below. (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.110.05, below. (5/98)
10. **Veterinary services** (074) (Section 2.414). (5/98)
11. **Funeral service and crematories** (726) (Section 2.415). (5/98)
12. **Used Merchandise Store** (Section 2.417)
13. **Adult entertainment business** (Section 2.418). (5/98)
14. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.05, below. (5/98)
15. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.110.05, below. (5/98)
16. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.05, below. (5/98)
17. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
18. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
19. **Medical Marijuana Facilities** (Section 2.433) (10/14)
20. **Marijuana Retailer** (Section 2.433) (1/16)
21. **Mobile Food Vendor (Section 2.434)**

2.110.04 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). (05/09)

2.110.05 Use Restrictions

No permitted or special permitted use shall in any way involve any of the following:

- A. Farm Use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. The following uses are prohibited from any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (12/03)
 - 1. Gasoline service stations (554). (5/98)
 - 2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
 - 3. Vehicle sales and secondary repair. (5/98)
 - 4. Public utility structures and buildings. (5/98)
 - 5. Recreational vehicle parks (7033). (5/98)
 - 6. Automobile parking not associated with an allowed use (752). (5/98)
 - 7. Automotive Dealers (55). (5/98)
 - 8. Automotive rental and leasing, without drivers (751). (5/98)

9. Automotive repair shops (753). (5/98)
 10. Automotive services, except repair (754). (5/98)
 11. Utilities - secondary truck parking and material storage yard. (5/98)
- D. A limitation of the total floor area of specified uses applies to all of Area B – Retail Service Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E)(12) – (14). 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)

2.110.06 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

- (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 2.110.07. (5/98)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.110.07. (5/98)*

B. Minimum Yard Setback Requirements

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

- (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) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (4) *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)*
- (5) *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)*

2.110.07 Development Standards

All development in the CM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)

2. No off-street parking is required for uses above the ground floor.
(5/98)
 3. The off-street parking requirement for residential uses is one space per unit. (5/98)
 4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the 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. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- D. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.
1. The minimum landscaped area requirements shall be as follows:

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%
 2. Properties located within Area B as defined in the Keizer Station Plan shall have a 20-foot landscape buffer along all property lines adjacent to any residential zone. Landscape and buffer requirements shall be met as defined in the Keizer Station Plan.
(12/03)

H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)

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

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%
Mixed commercial and residential development:	85%	50%
Residential development:	80%	50%

J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)

1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)
2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

2.110.08 Design Standards

All development in the CM Zone shall comply with the applicable design standards described below:

A. Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)

1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CM zone shall comply with the following standards: (5/98)
 - a. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - b. Multi-family buildings and non-residential structures shall comply with the provisions in Section 2.315 – Development Standards. (4/12)

2.308 SIGNS

2.308.01 Purpose

The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, and, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. (5/98)

2.308.02 Definitions

For the purposes of this Chapter, the following definitions shall apply: (5/98)

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration. (5/98)

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used.

The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Sign Area

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)



Awning Sign

Building Face: The single wall surface of a building facing a given direction. (5/98)

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Building Frontage, Primary: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area. (Ord. 2005-533 11/05)



Building Frontage and Face

Building Frontage, Secondary: Buildings located on lots abutting more than one Right of Way or a parking lot may designate one building face as a secondary building frontage. (Ord. 2005-533 11/05)

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade. (5/98)

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

Election Signs: Those signs which relate to an election, initiative or political viewpoint. Such signs will otherwise meet the specifications of Temporary Signs. (5/04 – Ord 2004-498)



Canopy Sign

Electronic Message Sign: Signs that incorporate as part of, or wholly, an electronic message or display by means of light emitting diodes, plasma, electronic ink, or other means that allow that display to be changed through electronic controls. Further, an electronic message sign cannot be a wall sign. (10/08 – Ord 2008-581)

Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest. (5/98)

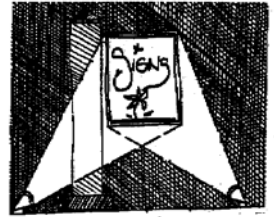


Free-Standing Sign

Flashing Sign: A sign any part of which pulsates, scrolls, flutters, animates, lights intermittently, or blinks on and off. (10/08)

Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. (5/98)

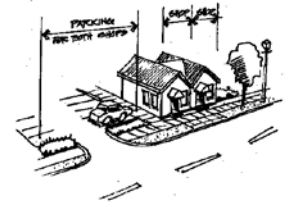
Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

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

Integrated Business Center: 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)



Small Integrated Business Center

Internal Illumination. A source of illumination from within a sign. (5/98)

Joint Use Sign: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)



Large Integrated Business Center

Multi-faced Sign: A sign which has two or more identical sign faces, contained in a single sign structure. (5/98)

Multi-family Dwelling: A residential structure or complex of structures that include three or more separate dwelling units, whether rented or owned by the occupants. (5/98)

Mural: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure. (5/98)



Joint-Use Sign

Nit: Nit is used as a measurement of luminance, where the Nit is equal to one candela per square meter (1cd/m²). A candela is a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela. (10/08)

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the



Multi-Faced Sign

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height, area and placement regulations or other provisions of these regulations. (5/98)

Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)

Portable Sign: A sign that is, or similar to, an A-frame sign, sandwich board sign, or a sign attached to wood or metal frames and designed to be self supporting and movable. Portable signs are not to be considered temporary signs as defined and used in this chapter. (12/10)

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted. (11/05)

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner. (5/98)

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "area."



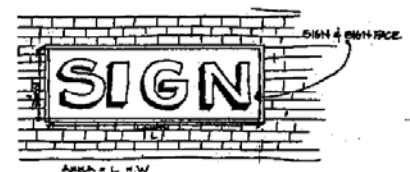
– Portable Signs



Projecting Sign

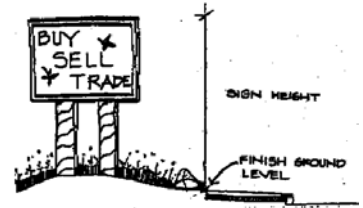


Roof Line and Roof Sign



Sign Face

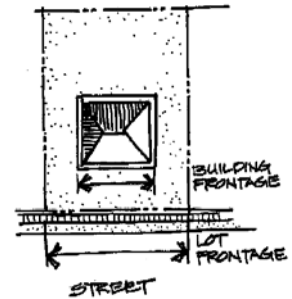
Sign Height: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)



Sign Height

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

Street Frontage: That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)



Street Frontage

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (5/98)

Temporary Sign: A sign not permanently affixed to a structure on a property. A sign that is, or is similar to, a banner or wind feather sign which may be made of canvas, cloth, rigid plastic or paper, or vinyl. (12/10)



Temporary Sign

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign. (5/98)



Wall Sign

2.308.03 Review Procedures

- A. Permit Required. Except as specifically excluded herein, no property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid permit to do so. (5/98)
- B. Current Signs. Owners of conforming or nonconforming signs existing as of December 4, 1989 are not required to obtain a permit until the end of the abatement period described in Section 2.308.04.C. (5/98)
- C. Permit Fees. Permit fees shall be established from time to time by City Council resolution. (5/98)
- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the Zoning Administrator. The application shall include, at a minimum, a sketch drawn to scale

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indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. (5/98)

The Zoning Administrator shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of the Keizer Zoning Ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of the Keizer Zoning Ordinance are void. The Zoning Administrator may revoke a sign permit if he finds that there was a material and misleading false statement of fact in the application for the permit. (5/98)

- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards: (5/98)
1. Compliance with Building Codes. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements. (5/98)
 2. Materials. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. (5/98)
 3. Maintenance. All signs shall be maintained in a good structural condition and readable at all times. (5/98)
 4. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs. (5/98)
 5. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards. (12/10)

2.308.04 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. Nonconforming signs are subject to the following provisions regarding alteration: (5/98)
 - 1. Change Permitted. Within the abatement period described in Section 2.308.04.C., a change in sign face alone is allowed without requiring compliance with these regulations. (5/98)
 - 2. Termination of Nonconforming Sign. Within the abatement period described in Section 2.308.04.C., when a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within sixty (60) days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations. (5/98)
- B. Permits for Properties with Nonconforming Signs. (5/98)
 - 1. Businesses in Integrated Business Centers. For individual businesses in integrated business centers, all signs of the individual business must comply prior to issuance of sign permits for new or altered signs. No free-standing sign permits will be issued for the integrated business center, unless all free-standing signs comply. (5/98)
 - 2. Businesses Not in Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations, except as set forth in Section 2.308.04.B.4. (5/98)
 - 3. Nonconforming Sign Area. Except as set forth above and in Section 2.308.08.B.4., all conforming and/or nonconforming signs in existence as of the date of the permit application shall be included in the total allowed area, number or size when reviewing applications for new or altered signs to be allowed on the property. (5/98)
 - 4. Exception for Non-Owned Signs. Signs which are not owned or controlled by the property owner or lessee prior to May 7, 1990, and which were constructed or installed prior to May 7, 1990, shall not be included in the total allowed area for sign permits granted prior to May 7, 1997. (5/98)
- C. Abatement of Nonconforming Signs. Permanent signs in existence on May 7, 1990 that are not in conformance with the provisions of this

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Ordinance shall be regarded as nonconforming signs and must be removed, altered, or replaced so as to conform on or before May 7, 1997. The period from the date of the enactment of these regulations to May 7, 1997, shall be described as the "abatement period." Nonconforming signs remaining after the abatement period ends shall be considered illegal signs. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming and shall be removed on or before September 7, 1990. (10/08)

The Zoning Administrator shall notify non-conforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this Ordinance within the time period herein. Properties annexed to the City after the effective date of this Ordinance shall have 7 years following annexation in which to conform to these regulations, with the exception of temporary signs that shall conform to the regulations within 90 days following annexation. (5/98)

Electronic Message Signs which are legally placed and maintained in all respects on or before October 6, 2008 shall be allowed to remain as non-conforming signs and do not have to be brought into compliance. However, once a non-conforming Electronic Message Sign is removed, any replacement sign must comply in all respects with these regulations. (10/08)

- D. Abandoned Signs. All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation. (5/98)
- E. Minor Nonconforming Signs. Individual signs that otherwise comply and are existing as of May 7, 1990, that are within 5% of both the allowed area (total and per sign) and the allowed height as set forth in these regulations are allowed to remain as nonconforming signs and do not have to be brought into compliance. However, once a nonconforming sign is removed, any replacement sign must comply in all respects with these regulations. (5/98)

2.308.05 Signs Generally Permitted

Subject to the limitations in Sections 2.308.04.C., 2.308.07 and 2.308.08, the following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area: (5/98)

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- A. Sign Copy. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations. (5/98)
- B. Temporary Signs. Temporary signs that do not exceed 16 square feet in area. No lot may display temporary signs for more than 120 days in any calendar year. Only one temporary sign per lot may be displayed at a time except during the period 45 days preceding and seven days following elections, signs which relate to such elections may be unlimited in number. Paper signs may only be used for single day events. (12/10)
- C. Real Estate Signs. Signs that advertise the sale, rental or lease of premises upon which the sign is located. Commercial Properties may display a real estate sign not exceeding 16 square feet in area. Residential properties may display a real estate sign not exceeding 6 square feet in area. (12/10)
- D. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency, city identification, signs related to public services or safety, and signs approved by City Council resolution for special events or activities. (12/10)
- E. Development Signs. One sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to the development. (5/98)
- F. Incidental. Incidental signs that do not exceed 6 square feet. Such signs shall not be mounted on permitted freestanding sign structures. (5/98)
- G. Flags. Flags on permanent flag poles that are designed to allow raising and lowering of the flags. Flagpoles shall either be freestanding or shall be mounted on the building but if mounted on the building may not be taller than the peak of the roof. Flags shall not exceed 25 square feet in area. (5/98)
- H. Interior Signs. Signs within a building. (5/98)
- I. Window Signs. For commercial or industrial buildings, signs painted or hung on the inside of windows. (5/98)

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- J. Non-profit Signs. A non-profit organization may display a portable sign subject to the following: (5/98)
1. Three signs per organization at one time. (5/98)
 2. Maximum sign area: 16 square feet. (5/98)
 3. The sign shall be displayed no more than six times in any 365 day period, and shall not be displayed longer than five days each time. (5/98)
 4. The sign shall not be placed on public property or in any right-of-way. (5/98)
 5. The non-profit organization shall request and receive consent from the property owner of the property on which the sign is placed. (5/98)
 6. If requested, the non-profit organization shall provide appropriate proof that such organization is organized not to make a profit, but for charitable, educational, religious, or philanthropic purposes. (5/98)
- K. Residential Signs. Residential signs, pursuant to requirements in Section 2.308.07. (5/98)
- L. Election Signs. During the period of forty-five (45) days prior and seven (7) days after any governmental election, signs which meet the definition of temporary or portable signs, and which pertain to such election, may be unlimited in number. (12/10)
- M. Portable Signs. Portable signs may be displayed for a maximum of 120 days in any calendar year, and are limited to 6 square feet in area. The following additional standards apply to portable signs: (12/10)
1. Portable signs located within 10 feet of the main entry of a business may be displayed without limit to time. (12/10)
 2. Portable signs not located adjacent to a business entrance may not be within 50 feet of any other portable sign on the same lot or less than 10 feet from a property line. (12/10)
 3. Portable signs must be located on private property, and may not be within any public sidewalk easement or right of way. If located along a public street, signs must be located behind the sidewalk regardless of property line location. (12/10)

4. Portable signs cannot impede sidewalks, exits, or other pedestrian, vehicular, or bicycle way. (12/10)
5. Portable signs may only be displayed during business hours. (12/10)

2.308.06 Prohibited Signs

The following signs are prohibited: (5/98)

- A. Tethered Signs. Balloons or similar types of tethered objects, including strings of pennants. (5/98)
- B. Roof Signs. Roof signs or signs which extend higher than the roof line. (5/98)
- C. Odor, Visible Matter. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed. (5/98)
- D. Wire Supports. Signs that use or employ side guy lines of any type. (5/98)
- E. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)
- F. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)
- G. Vehicle, Trailer Signs. No vehicle, trailer, or trailer mounted reader boards shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising. (12/10)
- H. Rotating/revolving Signs. (10/08)
- I. Flashing Signs. (10/08)
- J. Projection Signs. Projecting signs exceeding 24 inches and private signs that project into or over driveways and public right-of-ways,

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except signs under a canopy that projects over a public sidewalk and the sign is 8 feet or more above the sidewalk. (11/05)

- K. View Obstruction. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard. (5/98)
- L. Safety Interference. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light. (5/98)
- M. Use of Utility Poles. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way. (5/98)
- N. Vacant Land. Any sign on unimproved property, unless allowed as a temporary sign. (5/98)
- O. Electronic Message Signs. Electronic message signs except by conditional use permit. Electronic message signs that change more frequently than once per fifteen (15) minutes are prohibited. Further, any change made with the use of scrolling, flashing, fluttering or other animated effects is prohibited. Variances to any of these requirements are not allowed. (10/08)

2.308.07 Non-Commercial Signs

The following regulations apply to signs for residences, public or semi-public buildings and similar non-commercial, non-industrial uses: (5/98)

- A. Sign types. The following sign types are allowed: (5/98)
 - 1. Wall, canopy and window signs subject to the limitations in 2.308.07.C. (5/98)
 - 2. Free-standing signs subject to the limitations in 2.308.07.C. (5/98)
 - 3. Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance. (5/98)
- B. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.308.07.A.3. (5/98)

- C. Maximum Sign Area. Maximum total sign area for property on which the building or buildings are located: (5/98)
 - 1. Single-family and two-family (duplex) dwelling: 6 square feet. (5/98)
 - 2. Multiple family dwelling: 32 square feet. (5/98)
 - 3. Public and semi-public: 64 square feet. (5/98)
- D. Maximum sign height:
 - 1. Wall, canopy or window sign: 8 feet. (5/98)
 - 2. Free-standing sign: 6 feet. (5/98)
- E. Location: (5/98)
 - 1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet. (5/98)
 - 2. Free-standing signs are permitted where fences are allowed. (5/98)
- F. Illumination. Except for Electronic Message Signs, non-commercial signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare. (10/2008 Ord. 2008-581)

2.308.08 Commercial and Industrial Signs

The following regulations apply to signs for commercial and industrial uses:
(5/98)

- A. Non-integrated Business Centers:
 - 1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet. (5/98)
 - 2. Type, maximum number and size of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs. Regardless of total allowed area, the free-standing signs shall be

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limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which then front. (5/98)

3. Maximum sign height: (5/98)
 - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
 - b. Free-standing signs: 20 feet. (5/98)
4. Location: (5/98)
 - a. Wall or projecting signs may project up to 2 feet from the building. (5/98)
 - b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)

B. Integrated Business Centers:

1. Allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. The sign area of a projecting sign shall be calculated as a free-standing sign. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C. (11/05)
2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (11/05)
3. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front. (11/05)
4. Maximum sign height: (5/98)

- a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
 - b. Free-standing signs: 20 feet. (5/98)
- 5. Location:
 - a. Wall or projecting signs may be located on any face of the building, except as provided in 2.308.08.B.4.b, and may project up to 2 feet from the building. (11/05)
 - b. Wall signage located on a Secondary Building Frontage shall be limited to only one sign, limited in size as provided in 2.308.08.A.2. In no case may any signage derived on the primary building frontage be located on the secondary building frontage. (11/05)
 - c. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)
- C. Mixed Use Developments. Signs for developments containing a mixture of commercial and residential uses shall be subject to the following restrictions: (5/98)
 - 1. Non-commercial uses shall be subject to the provisions in Section 2.308.07. (5/98)
 - 2. Commercial-industrial uses shall be subject to the provisions for integrated business centers in Section 2.308.8.B. (5/98)
 - 3. Free-standing signs shall be subject to the provisions in Section 2.308.08.B.2. (5/98)
- D. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs. (5/98)
 - 1. Secondary Entrance. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance. (5/98)

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2. Directional Signs. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 6 feet. (5/98)
 3. Menu Boards. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-through restaurant are allowed as follows: one per business limited to 40 square feet in area and a maximum height of 8 feet. Any order sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge. (11/05)
- E. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way. (5/98)
- F. Signs for Mobile Food Vendors.
1. Mobile Food Vendors shall be limited to 6 square feet of signage which can be displayed only during hours of operation and shall comply with the provisions within Section 2.308.05.M (1) thru (5) but exempt from the time limit provision.
 2. Property on which two or more Mobile Food Vendors are located shall comply with the remaining provisions within the Sign Code.
- G. Special Commercial Signs
1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.306.07. (5/98)
 2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)
 3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)
 4. Signs for stadiums in the IBP Zone. Notwithstanding any other regulations in this Chapter, in the IBP zone for stadiums with seating for not less than 4,000 persons, the following shall apply: (11/05)

- a. Total allowed area. 760 square feet. (11/05)
- b. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign, and a total of no more than two (2) wall or canopy signs. Regardless of the total allowed area, the free standing sign shall be limited to a maximum of 680 square feet. (11/05)
- c. Maximum sign height: (11/05)
 1. Wall and canopy signs – shall not project above the parapet or roof eaves. (11/05)
 2. Free standing sign – maximum total height of fifty (50) feet. (11/05)
- d. Location:
 1. Wall signs – may project up to 1.5 feet from the building. (11/05)
 2. Free standing sign – no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (11/05)

2.308.09 Conditional Uses

- A. Procedures. Applications for conditional use permits for illumination of non-commercial signs, or electronic message signs shall be processed according to the procedure set forth in Section 3.103 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings for illumination of non-commercial signs or electronic message signs are set forth in this Section. The criteria of Section 3.103 shall not be applied. (Ord 2008-581 10/2008)
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for the illumination of non-commercial and electronic message signs: (10/2008 Ord 2008-581)
 1. The proposed sign is located in an EG, P, IBP, CR,_CO, MU, CM or a CG zone. (10/08)
 2. The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) lead to signs adversely dominate the visual image of the area. (10/08)

3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. Electronic Message Signs that are proposed to be located in a P zone adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Electronic Message Signs proposed to be located in the P zone adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM and may only be changed once in a 24 hour period. (10/08)
4. The proposed sign will not present a traffic or safety hazard. (5/98)
5. If the application is for the illumination of non-commercial or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. (10/08)

Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than fifteen (15) minutes. Further, the level of illumination must be limited in the following ways:

- a. (A) An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or low-voltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.
- b. No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between sunrise and sunset; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:
 1. For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between sunrise and sunset;
 2. For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between sunrise and sunset;

3. For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between sunrise and sunset. (10/08)
6. The total allowed sign area for a business shall be reduced by 25% if the business has an electronic message sign. (10/08)
7. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions. (5/98)

2.308.10 Variances

- A. Procedure. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Minor variances under Section 3.105.04 of this Ordinance shall not be allowed. Variances to this Section will be processed according to the procedures in Section 3.202.02 as a Type I-B procedure. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (11/05)
 1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
 - a. The existing sign regulations create an undue hardship; (5/98)
 - b. The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and
 - c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. (5/98)
 2. The granting of the variance shall not: (5/98)
 - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)
 - b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)

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- c. Be the result of a self-imposed condition or hardship. (5/98)

2.308.11 Exemptions

The following are exempt from the regulations of this Chapter, but may be subject to other regulations under this Development Code or other City regulations:

- A. Public Art as defined by City Ordinance or Resolution. (3/14)

2.407 HOME OCCUPATIONS

The purpose of a home occupation is to allow residents an opportunity to use their homes to engage in small-scale business activities. The standards outlined below are to ensure that home occupations are conducted as a lawful use subordinate to the residential use of the property. Where permitted as a special use, a home occupation shall meet the following use and development standards. (12/11)

- A. Operations. The owner/operator of the home occupation(s) shall reside in the home in which the home occupation is conducted. No more than one outside employee shall be permitted per residence. (12/11)
- B. Compatibility. The home occupation(s) shall be continuously conducted in such a manner as not to create any off premise nuisance, public or private, including but not limited to noise as outlined in the city's Noise Ordinance, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. This includes uses occurring within the residence, garage, or accessory structure, and also any equipment such as, but not limited to, air compressors or refrigerator trucks that may be used as part of the home occupation. (12/11)
- C. Signs. Signs shall comply with all sign code regulations including the provisions in Section 2.308.08.FG(1) of this Ordinance. (12/11)
- D. Location. The home occupation(s) shall be conducted entirely within the dwelling, an attached garage, or in an unattached accessory building. (12/11)
- E. Area. The total floor area devoted to the home occupation(s) shall not exceed 500 square feet. Any structural additions to the dwelling or accessory structure shall be consistent with zoning regulations and shall not result in the change of the primary use of the structure. (12/11)
- F. Alterations. Structural alterations are permitted consistent with Section 2.314 and provided the residential character of the building is not altered nor will result in the change of the primary use of the structure as the residence. (12/11)
- G. Parking. The number of required on-site parking spaces shall not be reduced; however, no additional parking is required. If the home occupation(s) requires an outside employee that will stay on-site, then an additional off-street parking space consistent with Section 2.303 shall be provided. One motor vehicle plus a trailer that is used in conjunction with a home occupation may be parked on the lot. No single vehicle or trailer that is associated with a home occupation may have a gross vehicle weight rating of more than 16,000 pounds. (12/11)

- H. Hours of Operation. Visits by suppliers or customers are limited to the hours of 8:00 a.m. to 8:00 p.m. (12/11)
- I. Outdoor Storage. Outdoor storage or display of materials, equipment, or merchandise shall be prohibited. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that which is normally incidental to residential use is prohibited. (5/98)
- J. Prohibited Activities. (5/98)
1. Vehicle Repair. Repair of vehicles, including automobiles, motorcycles, tractors, recreational vehicles, boats, and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work and painting. (12/11)
 2. Retail or wholesale sales of a product or good(s) on the site. This prohibition does not apply to operation of a mail order business where customers do not come to the site or to retail sales that are incidental to the occupational use, such as, but not limited to beauty products from salons, sheet music from music teachers, or computer software for computer consultants. (12/11)
 3. The home occupation shall not be used for the assembly of more than two (2) nonresident employees engaged primarily in work off-site of the home occupation location. (12/11)
- K. Day Care Provisions. The provisions in this section do not apply to day care facilities or family day care providers. (4/16)

SECTION 2.434 MOBILE FOOD VENDORS

Where permitted as a Special Permitted Use mobile food vendors shall meet the following standards:

- A. A mobile food vendor shall obtain a permit from the City prior to operating at each location. The permit fee shall be set by Council Resolution. The permit shall be valid for a period of one year from the effective date of the permit, and must be renewed annually. A mobile food vendor shall also obtain a license from Marion County Environmental Health or similar county agency prior to operating.**
- B. A mobile food vendor shall not operate, nor be located in a public right of way. Mobile food vendors may operate on City owned property provided the permittee is granted authorization by the City.**
- C. A mobile food vendor may only operate in an approved parking lot, or other hard surface area, where the off-street parking requirements for all uses or activities served by the off-street parking area are met. The location of a mobile food vendor shall not result in the parking area to be reduced to less than the minimum amount of required parking spaces for the existing business (s).**
- D. The location standards of this section do not apply to mobile food vendors which operate as part of an approved community event or where a mobile food vendor is allowed pursuant to a street closure permit.**
- E. Operation of a mobile food vendor shall conform with all applicable laws and regulations, including zoning, environmental, and sign code regulations.**
- F. A mobile food vendor, including all activities associated with the operation, shall not obstruct pedestrian pathways, driveways or drive aisles of any off-street parking area and shall not create a traffic or safety hazard. They shall also have adequate accommodation for vehicles.**
- G. A mobile food vendor which is parked on the same lot for a period of 48 hours or longer shall provide screening for all conduit, tanks, and storage areas from all public areas and streets by sight-obscuring fencing and/or temporary landscaping and skirting shall be provided along the perimeter of the mobile food vendor.**
- H. A mobile food vendor is not a permanent structure and must remain capable of being moved at any time.**
- I. Any paper, cardboard, wood, or plastic containers, wrappers, or any litter is to be picked up by the mobile food vendors.**
- J. The placement of more than two (2) mobile food vendors on the same lot shall require that in addition to the above requirements that a permanent covered eating structure is provided. Said structure shall comply with building and zoning requirements in Section 2.110, design requirements in Section 2.315, and provided parking consistent with Section 2.303.**

K. Hours of operation for a mobile food vendor are limited from 6:00 a.m. to 11:00 p.m.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2016-_____

AMENDING LAND USE AND SIGN PERMIT FEES UNRELATED TO
PARTITIONS AND SUBDIVISIONS; **AMENDING RESOLUTION
R2016-2679**

WHEREAS, the Keizer City Council established a fee schedule for land use
actions and sign permits unrelated to partitions and subdivisions by Resolution No.
R2016-2679;

WHEREAS, the City Council of the City of Keizer wishes to add a permit fee for
processing mobile food vendor applications;

WHEREAS, the City Council solicited comment and testimony regarding the
proposed fee on August 15, 2016;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Land Use
and Sign Permit Fee Schedule shall be amended by the addition of the permit fee for
mobile food vendors (Administrative Actions #12) and that the Community
Development Department is directed to collect such fees.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that
Resolution R2016-2679 shall be amended by replacement of Exhibit "A" with the
attached Exhibit "A".

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

3 PASSED this _____ day of _____, 2016.

4

5 SIGNED this _____ day of _____, 2016.

6

7

8

9

Mayor

10

11

12

City Recorder

EXHIBIT A

CITY OF KEIZER

LAND USE AND SIGN PERMIT FEE SCHEDULE

1. CONDITIONAL USE	\$ 710.00
2. FLOODPLAIN	\$ 405.00 (plus \$15/lot)
3. PROPERTY LINE ADJUSTMENT	\$ 405.00
4 VARIANCE (Minor, Major or Sign)	\$ 710.00
5. ANNEXATION	\$ 1,790.00
6. COMPREHENSIVE PLAN AMENDMENT	\$ 2,495.00
7. MASTER PLAN	\$ 2,800.00 (plus \$38 x number of acres over 4 acres)
8. ZONE CHANGE	\$ 2,495.00
9. ZONE CHANGE AND COMPREHENSIVE PLAN AMENDMENT	\$ 3,410.00
10. FINAL PLAT REVIEW	\$ 360.00
11. REVIEW OF TRANSPORTATION IMPACT ANALYSIS (TIA)	\$ 660.00

ADMINISTRATIVE ACTIONS

1. Dealers License (New)	\$ 38.00
2. Dealers License (Renewal)	\$ 15.00
3. Land Use Compatibility Statement	\$ 38.00
4. Legal Lot Determination	\$ 77.00
5. Sign Permits	
0 to 36 square fee	\$ 99.00
36 to 60 square feet	\$ 126.00
61 to 100 square fee	\$ 160.00
101 to 150 square feet	\$ 198.00
6. Site Plan Review with Building Permit	
(Commercial)	\$ 236.00
(Industrial)	\$ 319.00
7. Temporary Use Permit	\$ 55.00
8. Written Determination	\$ 55.00
9. Zoning Fee (Building Permit)	20% of Marion County Building Fee
10. Childcare License Zoning Review	\$ 38.00
11. Zoning Review (Other than Dealers License and Childcare License)	\$ 38.00
12. Mobile Food Vendor Permit	\$ 75.00

APPEALS

1. APPEAL OF STAFF DECISION	\$ 250.00
2. APPEAL OF HEARINGS OFFICER/PLANNING COMMISSION DECISION	\$ 365.00

CITY COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: MARIJUANA DISTANCING REQUIREMENTS

The Council previously addressed medical marijuana facility and recreational retailer issues. One issue that was addressed is the distancing requirements for the businesses. At its August 1, 2016 meeting, the Council requested staff to research the most recent state rules relating to the distancing requirements and report back to Council.

Generally, Oregon Administrative Rules state that the Oregon Liquor Control Commission (OLCC) must deny an application if the proposed recreational retailer is at the same physical location or address as a Medical Marijuana Grow Site, a Medical Marijuana Processing Site, or a Medical Marijuana Dispensary.

OLCC must deny an application if the proposed licensed premises of a Producer who applies to produce marijuana outdoors is on the same lot or parcel as another Producer, Retailer, Processor or Wholesale licensee, unless all of the licenses on the lot or parcel are held or sought by the same applicant.

OLCC must deny an application if the proposed licensed premises of a Producer who applies to produce marijuana indoors is on the same lot or parcel as another Producer under common ownership.

Oregon Revised Statutes and Oregon Administrative Rules state that a medical marijuana dispensary may not be within 1000 feet of another medical dispensary. In addition, a dispensary may not be located at the same address as a grow site.

The City Council adopted the following Keizer Development Code regulations:

1. A Marijuana Grow Site shall not be located on the same tax lot as a Medical Marijuana Facility (retailer);
2. A Marijuana Producer shall not be located at the same physical location or address as a Marijuana Grow Site unless the Producer is also the person responsible for the Marijuana Grow Site and has been issued a license by the Oregon Liquor Control Commission.

The City Council adopted the following regulations under the Keizer Marijuana Retailer Permit Process Ordinance (Ordinance No. 2016-743):

1. The Marijuana Retailer must not be co-located on the same tax lot or within the same building with any Marijuana social club, smoking club, grow site, Medical Marijuana Facility, Marijuana Processor, Marijuana Producer, or Marijuana Wholesaler.
2. A Marijuana Retailer shall not be located within 1000 feet of another Marijuana Retailer or Medical Marijuana Facility.

The City Council adopted the following regulations under the Keizer Medical Marijuana Facility Ordinance (Ordinance No. 2014-702 and amended by Ordinance No. 2016-747):

1. The Facility must not be co-located on the same tax lot or within the same building with any Marijuana social club, smoking club, grow site, Marijuana Retailer, Marijuana Processor, Marijuana Producer, or Marijuana Wholesaler.
2. A Facility shall not be located within 1000 feet of another Medical Marijuana Facility or Marijuana Retailer.

In summary, state statute and administrative rules prohibit multiple marijuana uses from being at the same address or location, but most can be right next door to each other. However, medical marijuana retailers must be 1,000 feet from other medical marijuana retailers. Recreational marijuana retailers can be next door to either medical or other recreational retailers under state rules.

In terms of Keizer's rules, medical and recreational retailers must be 1,000 feet from any other medical or recreational retailers. The result of this is that in Keizer, a medical and a recreational retailer cannot be within 1,000 feet, but would be allowed under state rules.

As a comparison, I have reviewed a few other city's regulations and outlined the requirements below:

The City of Portland adopted minimum standards as follows:

1. A medical dispensary may be no closer than 1,000 feet of another medical dispensary.
2. A marijuana retailer may be no closer than 1,000 feet of another marijuana retailer.
3. A marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer.

The City of Bend has the following separation distances:

1. A recreational marijuana retailers must be at least 1,000 feet from a recreational marijuana retailer.

2. A medical marijuana dispensary must be at least 1,000 feet from an existing dispensary.

Salem City Council has directed staff to repeal existing regulations and set up a registration process for marijuana businesses relying on the state's regulations only, except for prohibiting medical and recreational retailers in the central business district.

If Council wishes to revisit the marijuana regulations or development code, Council should consider the matter. Here are some options for Council to consider:

1. Take no action. If Council wishes to retain the current distance requirements, no action is necessary.
2. Change the distance requirements for medical and/or recreational retailers. Council could choose to change the requirements so they match up with the state requirements, or Council could choose to change the requirements so that they are similar to the City of Bend, for example. Bend allows recreational and medical retailers to be within 1,000 feet, but does not allow recreational-to-recreational or medical-to-medical to be within 1,000 feet.
3. Review other medical and/or recreational marijuana regulations. The Council could choose to take a broader view and look at other distance requirements (such as public parks, schools, etc.), or could look at the general regulations and oversight process. The Council could also choose to take Salem's direction and only have a registration process.

The distance requirements limit the total number of shops that are allowed, as well as prevent grouping of such shops in one area. This is a policy question for council to consider whether this is a worthwhile result, or artificially limits the market unnecessarily.

RECOMMENDATION:

If Council wishes to retain the current regulations, no motion is necessary. If Council wishes to take other action, Council should decide whether they want to make a preliminary decision now or set the matter for public hearing.

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

ESJ/tmh

CITY COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: BILL LAWYER
PUBLIC WORKS DIRECTOR**

**SUBJECT: LIGHTING OF ADDITIONAL FIELDS AT THE KEIZER LITTLE
LEAGUE COMPLEX**

DATE: August 5, 2016

BACKGROUND:

At the August 1st 2016 City Council meeting testimony was heard regarding the lighting of 4 additional fields at the Keizer Little League complex. The Mayor and City Council directed staff to review the Parks Regulations and the Management Agreement for the complex and determine if this proposal is feasible.

Staff has reviewed the Parks Regulations and found that Section 24 (4) allows for the lighting of fields. This section also dictates the days and times lights are allowed to operate. There is no mention of the number of fields that are allowed to be lighted. Staff also reviewed the Park Management Agreement and found that the language in Section 3 E of the agreement is consistent with the Parks Regulations.

Attached are the relevant pages from the Parks Regulations and Park Management Agreement for reference.

FISCAL IMPACT:

There is no fiscal impact to the City with this proposal at this time.

RECOMMENDATION:

Staff recommends the City Council consider this matter to determine if there is support for the lighting of 4 additional fields at the Keizer Little League complex.

Please contact me with any questions or concerns.

1 (3) Events After Closing Time: Any portion of a park or any enclosed
2 building in a park in which an event is being conducted or is scheduled to
3 be conducted, based upon a permit issued by the Director, shall not be
4 considered closed after the regular closing time to members of the public
5 who are authorized participants in the event, and who are within the
6 permitted portion of the park, the building, any paths leading thereto from
7 any street, or any other facility, outdoor area or off-street parking area
8 intended for use in connection therewith, until thirty minutes after the
9 conclusion of the permitted event. As to other members of the public who
10 are not participants in the event, the park and all buildings therein shall be
11 considered closed at the regular closing time.

12 (4) Keizer Little League Park may be open after normal closing times where
13 fields are appropriately lighted within the dates and times as follows:

14 (a) Lighting may extend the park hours from March 1 to October 31.

15 (b) The park will close, and the lights will be off, at 11:00 p.m.

16 (c) Extended hours shall be limited to Monday through Saturday; the
17 park shall close at normal closing times on Sundays.

18 (d) City Council may extend these hours for special events.

19 ///

20 ///

- E. Keizer Little League Park may be open after sunset where fields are appropriately lighted from March 1 to October 31 Monday through Saturday. The Park will close and the lights will be off at 11:00 p.m. Other than the lighted fields, the Park shall close as specified in Keizer Park Regulations. No power equipment shall be operated at the Park between 10:00 p.m. and 7:00 a.m. Compliance with this condition does not exempt such activity from application of the Keizer Noise Ordinance.
- F. In order to provide better lines of communication for day-to-day concerns during the Manager season, prior to March 1 each year, Manager shall provide City a written list of the annual activity schedule, and an updated list of management contacts, including the names and contact phone numbers for the "Director on Duty" as well as the alternate. Any updates or amendments to such list shall be promptly given in writing by Manager to City. Manager shall also provide a current roster of all officers and personnel along with appropriate contact information. The Director on Duty shall have authority to represent Manager and to speak directly to City personnel and address problems raised by City personnel or others that require timely resolution. The Director on Duty shall at all times act neutrally, fairly, and objectively without regard for the Director's affiliation with any organization. The Director's duty shall be for safe and fair management of the Park. City shall contact Manager's president on matters that do not require immediate resolution. Manager's president shall have authority to bind Manager on any and all issues, except those issues which would require an amendment of this Agreement. Any updates or changes to the schedule and lists shall be given to City in writing as they occur.
- G. Manager shall develop volunteer opportunities for individuals and groups. All volunteers must be qualified for the particular volunteer project and may be required to undergo a criminal background check. Though not a requirement, one of the goals of volunteer labor is to reduce the cash outlay for field maintenance expenses, thereby reducing future field usage rates.
- H. Manager shall provide sporting equipment as needed and keep these items stored neatly when not in use.
- I. Manager will appropriately handle any and all matters related to parking for scheduled events.
- J. Manager will market and promote the park in a manner that is respectful of the community upon approval by the City.

Complaints from either members of the public, users of the Park or others shall be first submitted in writing to Manager. Complaints shall not be submitted to the City.

CITY COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: APPOINTMENT OF COUNCILOR TO SELECTION
COMMITTEE RELATING TO MANAGEMENT OF THE
KEIZER LITTLE LEAGUE CITY PARK**

A Request for Proposal (RFP) to solicit proposals from qualified individuals, businesses or non-profit organizations to perform management of the Keizer Little League City Park was issued on August 12, 2016. Responses to the RFP will be evaluated by a selection committee consisting of the City Manager, the Public Works Director, the Parks/Facilities Division Manager, one Parks Board Member appointed by the Parks Board, one Council Member appointed by the Mayor, and other City staff.

Responses are due no later than 3:00 p.m. on August 29, 2016 and the selection committee will evaluate and rank the proposals no later than September 9, 2016. It is anticipated that the contract with the successful proposer will be brought to Council on October 3, 2016.

RECOMMENDATION:

Staff recommends that the Mayor appoint one Council Member to the Keizer Little League City Park management selection committee.

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

ESJ/tmh

CITY COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: KEIZER STATION AREA C STREET LIGHTING
IMPROVEMENT DISTRICT- AUTHORIZING SIGNING OF
PETITION**

As you may know, Keizer street light system is mostly created by the development of individual street light improvement districts (SLID), usually formed by the developers in connection with the subdivision process. To initiate the SLID process, owners of two-thirds of the area must sign the initial petition.

As part of the Keizer Station Area C development, the developers are required to form a street lighting district. The developers have signed the petition for the property they own, and Keizer Church of Christ located on Ridge Drive has also joined the petition. However, those properties total about 60% of the area of the proposed district, less than the required two-thirds.

The City owns lots on Chemawa Road between Lockhaven and McLeod (see map). The developers have requested that the City consider adding its name to the petition. If the City signs on as a property owner to the petition, the required two-thirds threshold will be reached.

It should be noted that if the City was developing this property, it would be responsible for forming the district. The proposed street lights will indirectly benefit the City's property.

RECOMMENDATION:

Review the matter to see if there are any questions or concerns. If not, adopt the attached Resolution authorizing the City Manager to sign the petition to form a local improvement street lighting district.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2016-_____

AUTHORIZING CITY MANAGER TO SIGN KEIZER
STATION AREA C PETITION TO FORM LOCAL
IMPROVEMENT DISTRICT FOR STREET LIGHTING

WHEREAS, the developers of Keizer Station Area C are required to form a street
lighting district;

WHEREAS, two-thirds of the area must have the owners sign the petition to form
local improvement district;

WHEREAS, the developers have signed the petition for property they own and
the Keizer church of Christ located on Ridge Drive has also joined the petition;

WHEREAS, the developers have requested that the City join in the petition;

WHEREAS, the City Council has considered the matter and determined that the
proposed street lights will indirectly benefit the City-owned property in the area and
desires to join in the petition;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager is authorized to sign the Keizer Station Area C Petition to Form Local
Improvement District for Street Lighting on behalf of the City.

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

3 PASSED this _____ day of _____, 2016.

4

5 SIGNED this _____ day of _____, 2016.

6

7

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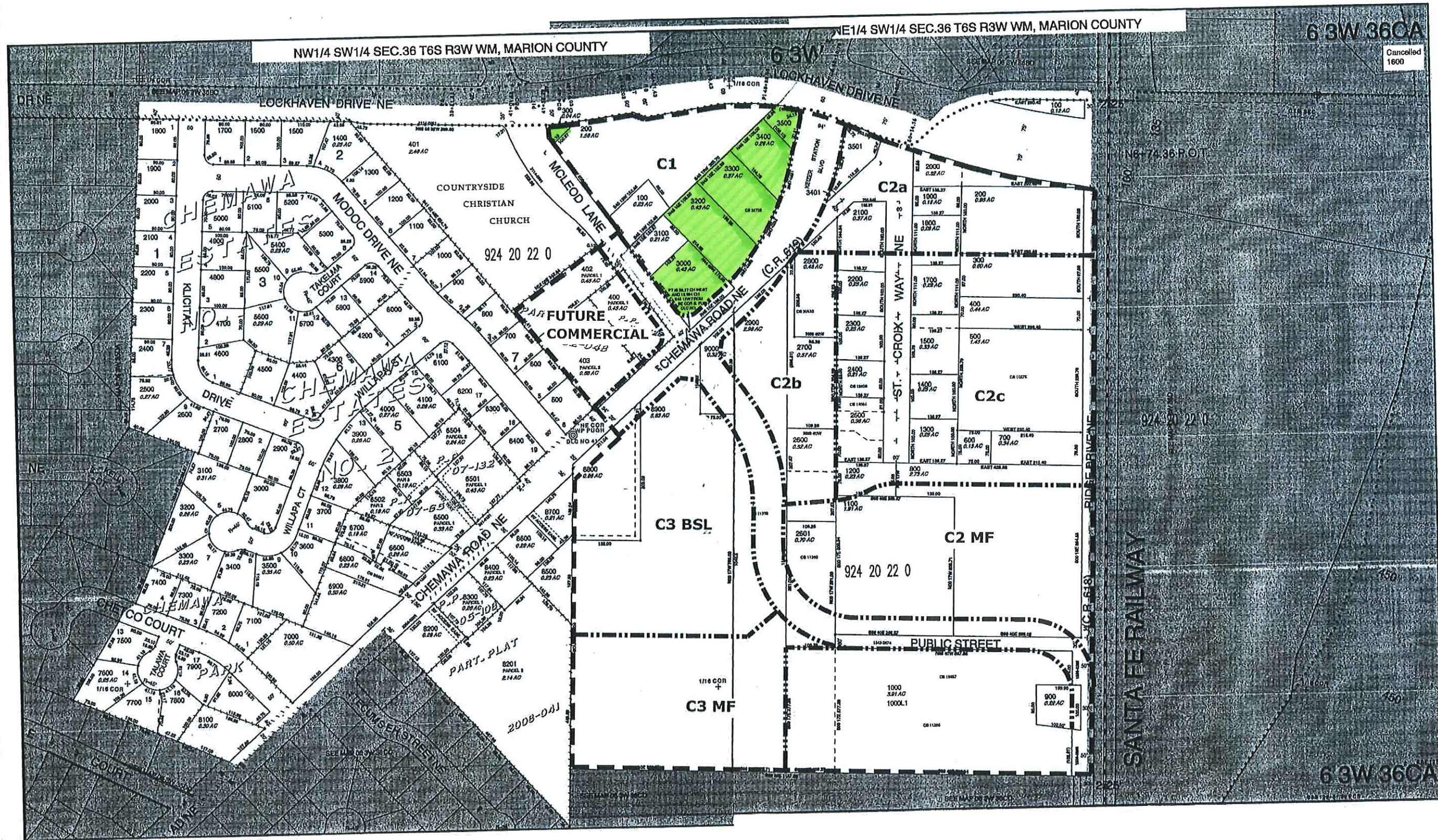
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10

11

Mayor

City Recorder



MULTI/TECH
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DATE STAMPED
APPROVED HERE

REGISTERED PROFESSIONAL ENGINEER
Mark D. Greiner
EXPIRES: 06-30-2015

NO CHANGES, MODIFICATIONS OR
REPRODUCTIONS TO BE MADE TO
THESE DRAWINGS WITHOUT WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

DESIGN: M.D.G.
DRAWN: D.G.G.
CHECKED: B.M.G.
DATE: MARCH 2015
SCALE: AS SHOWN
AS-BUILT:

KEIZER STATION CENTER AREA "C"

REIMBURSEMENT DISTRICT
MAP

Project Number
6018
Sheet Number
1 of 1

COUNCIL MEETING: August 15, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: Chris Eppley, City Manager

FROM: Tim Wood, Finance Director

SUBJECT: Surplus Property Report Fiscal Year 2015-2016

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 have reviewed receipts for the year to identify the property disposed of, the method of sale and the revenue from sales.

1. Snow Cops – donated to Greater Gubser Neighborhood Association
2. Microwave – recycled
3. 2009 Oregon Revised Statutes – recycled
4. Television (Tube) – recycled
5. Obsolete computer equipment including monitors, computers/laptops (without hard drives), printers, keyboards and other peripherals were sold to Clayton-Ward. Total revenue from the sale of obsolete computer equipment was \$15.30 for the year.
6. 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 \$847.43 for the year.
7. Six vehicles were sold through Propertyroom.com for \$5,217.51:
 - 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

According to City Staff, there was no computer equipment, vehicles, real property, heavy equipment or other items disposed of in fiscal year 2015-2016 other than those identified above.

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