

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

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, July 2, 2018
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**
 - a. Appointments to Keizer Points of Interest Committee, Keizer Public Arts Commission, Keizer Festivals Advisory Board, City Youth Councilor, and Keizer Public Arts Commission Youth Liaison.
6. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.
7. **PUBLIC HEARINGS**
 - a. Keizer Development Code Text Amendment (Section 2.127 (Historic Resources) and Sections 1.200; 2.123; 2.408; 2.431; 2.432, 3.101; 3.112; and 3.202
8. **ADMINISTRATIVE ACTION**
 - a. Keizer Little League Update
 - b. **ORDINANCE** – Establishing Keizer Parks Regulations; (Repealing Ordinance No. 2010-618 and Ordinance No. 2013-679)
 - c. **RESOLUTION** – Establishing Keizer Park Use Fees; Repealing R2010-2006, R-2012-2229.1, and R2015-2619
9. **CONSENT CALENDAR**
 - a. **RESOLUTION** – Authorizing the City Manager to Purchase Four Ford K8B Explorer 4WD Base Vehicles for Police Department; Repeal of R2018-2863 and R2018-2870

- b. RESOLUTION – Authorizing Disposition of Surplus Property (Police Department Vehicle)
- c. RESOLUTION – Authorizing City Manager to Sign Second Amendment and First Extension of City of Keizer Custodial Services Contract with Willamette Valley Rehabilitation Center, Inc.
- d. RESOLUTION – Declaring the City’s Intent to Initiate a Street Lighting Local Improvement District (Summerview Estates) and Directing the City Engineer to Make a Survey and File a Written Report with the City Recorder
- e. Approval of June13, 2018 Work Session Minutes
- f. Approval of June 13, 2018 Special Session Minutes
- g. Approval of June 18, 2018 City Council Regular Session Minutes

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

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

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

July 9, 2018

5:45 p.m. – City Council Work Session

July 16, 2018

7:00 p.m. City Council Regular Session

August 6, 2018

7:00 p.m. City Council Regular Session

14. ADJOURNMENT

The City of Keizer is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). The Keizer Civic Center is wheelchair accessible. If you require any service that furthers inclusivity to participate, please contact the Office of the City Recorder at least 48 business hours prior to the meeting by email at davist@keizer.org or phone at (503)390-3700 or (503)856-3412. Most regular City Council meetings are streamed live through the City’s website and cable-cast on Comcast Channel 23 within the Keizer City limits. Thank you for your interest in the City of Keizer.

CITY COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**SUBJECT: VOLUNTEER COORDINATING COMMITTEE RECOMMENDATIONS FOR
APPOINTMENT**

ISSUE:

The Volunteer Coordinating Committee met on June 21st to review applications and interview candidates for openings on several City committees. The Committee is recommending the following applicants for appointments:

- ***Keizer Public Arts Commission: Kim Steen*** to position 3.
- ***Keizer Festival Advisory Board: Sherrie Gottfried*** to position 2.
- ***Keizer Points of Interest Committee: Bob Busch and Jennifer Thomas*** to positions 3 and 4 respectively.
- ***Youth Councilor: Anne Farris*** to City Council.
- ***Youth Committee Liaison: Sydney Snapp*** to Keizer Public Arts Commission.

RECOMMENDATION:

It is recommended the City Council accept the Volunteer Coordinating Committee recommended appointments.

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER
NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: SHANE WITHAM, SENIOR PLANNER

SUBJECT: Proposed text amendments and Comprehensive Plan text change relating to the regulation of Historic Resources. Substantive changes are proposed to Keizer Development Code (KDC) Section 2.127, along with minor changes to multiple KDC sections as well as text in the Comprehensive Plan.

Attachments:

- **Section 2.127 (Historic Resources) – draft (clean and red-lined versions)**
- **Sections 1.200; 2.123; 2.408; 2.431; 2.432; 3.101; 3.112; 3.202 - drafts**
- **Keizer Comprehensive Plan - draft**
- **May 2, 2018 Planning Commission Staff Report/Document**

ISSUE:

The proposed revisions to KDC Section 2.127 (Historic Resources) relate to the standards governing the designation and protection of Historic Resources within the City. The changes proposed are necessary to be compliant with recent changes to the Oregon Administrative Rules (OAR) which require property owner consent as well as protections for National Register Resources. The Planning Commission held a public hearing on May 9, 2018 to consider the proposed changes to KDC Section 2.127 and voted to support the proposed text amendment unanimously. Direction was also given to identify (and modify as necessary) any additional KDC provisions to align the changes with other sections of the KDC. Due to existing ambiguity surrounding process requirements along with modifications to terminology, several KDC sections along with language in the Comprehensive Plan needed to be amended. It should be noted the changes in those additional 8 sections and the Comprehensive Plan are very “scrivener-like” and are not substantive, but rather are needed to provide consistency and eliminate conflicts. I have included the Planning Commission staff report from the May 9th meeting for your reference, as well as the attached document entitled “Planning for Historic Preservation in Oregon.” The documents speak more fully to the recent changes to the OAR 660 and how those changes necessitate the proposed modifications.

RECOMMENDATION:

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

2.127 HISTORICAL ~~RESOURCES~~ LANDMARK OVERLAY ZONE (HLO)

2.127.01 Purpose

The purpose of this ~~Chapter~~Overlay Zone is to:

- A. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the preservation, restoration and protection of those buildings, structures, sites, ~~districts~~, and objects of historic interest within the city; (5/98)
- B. Foster civic pride in the accomplishments of the past; and (5/98)
- C. Carry out the provisions of the Land Conservation and Development Commission Goal 5. (5/98)
- D. To protect National Register Resources, regardless of whether the resources have been formally designated through the process described in Section 2.127.04.

2.127.02 Conformance Required

No land shall be used, and no building, site, object, ~~district~~, or structure of significance, or part thereof, shall be demolished, moved, or altered, nor shall any new construction take place within ~~a resource area~~ district or on a resource ~~landmark~~ site except in conformity with this ~~Chapter~~ordinance. (5/98)

2.127.03 Definitions

The following definitions shall apply to this Section: ~~otherwise:~~

Alteration: A change, addition, or modification to the exterior of a building. (5/98)

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

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

~~Historic Resource District: A geographically definable area, site, object, buildings, or structure designated by the Council~~ ~~the boundaries of which have been adopted by the Council~~ under Section 2.12~~5~~7.04. (5/98)

~~Landmark: Any site, object, buildings, or structure designated by the Council under Section 2.1257.04.~~ (5/98)

Major Public Improvement: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property ~~within a district or~~ on a resource~~landmark~~ site, except for the repair or maintenance of existing public improvements. (5/98)

National Register Resource: ~~B~~buildings, structures, objects, sites, or districts ~~or districts~~ listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

2.127.04 Resource~~Landmark and District~~ Designation

- A. Process. The process for designating a resource~~landmark or historic district~~ may be initiated by the Council, the Planning Commission, or by the owner of the subject property~~any interested person~~ who submits an application for designation to the Zoning Administrator. ~~At the time of application the Zoning Administrator shall provide the property owner and applicant with information regarding the benefits and restriction of designation.~~ (5/98)
- B. Information. The following information shall be required in a property owner application:
1. The ~~applicant's property owners'~~ name and address (all owners must sign the application); (5/98)
 - ~~2. The owner's name and address, if different from the applicant, together with written consent of the property owner;~~ (5/98)
 23. A written description of the boundaries ~~and/or of the proposed district or~~ the location of the proposed resource~~landmark~~; (5/98)
 34. A map illustrating the boundaries ~~and/or of the proposed district or~~ the location of the proposed resource~~landmark~~; (5/98)
 45. A statement explaining the following: (5/98)
 - a. The reason(s) why the proposed resource~~district or landmark~~ should be designated; (5/98)
 - b. The reason(s) why the boundaries of the proposed resource~~district~~ are appropriate for designation; (5/98)
 - c. The potential impact, if any, which designation of the proposed resource~~district or landmark~~ would have on the residents or other property owners in the area. (5/98)

6. Any other information deemed necessary by the Zoning Administrator.
(5/98)

C. Council Action. Applications for Historic Resource designation or removal of designation shall be reviewed in accordance with the Type II-B review procedures specified in Section 3.202.04. Within seven days of receipt of a complete an application being deemed complete, the Zoning Administrator shall forward the request to the Council. The Council shall hold a public hearing within 45 days of receipt of the application pursuant to Keizer Development Code Section 8 3.206.04 of this ordinance. The Council shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. Approvals designating a resource landmark or historic district shall be in the form of an Ordinance. (5/98)

D. Decision FactorsCriteria. The Council shall consider the following factorcriteria in determining whether to approve a proposed resource landmark or district: (5/98)

1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation; (5/98)
2. Association with an event that has made a significant contribution to the city, county, state, or nation; (5/98)
3. Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation; (5/98)
4. Significance as an example of a particular architectural style, building type and/or convention; (5/98)
5. Significance due to quality of composition, detailing, and/or craftsmanship; (5/98)
6. Significance as an example of a particular material and/or method of construction; (5/98)
7. Significance because the resource retains its original design features, materials, and/or character; (5/98)
8. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction; (5/98)
9. Significance as a visual resource landmark; (5/98)
10. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented; (5/98)

11. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community; (5/98)
12. Significance because the property is 50 years old or older in conjunction with other factorcriteria listed above; (5/98)
13. The resource is listed on the National Register of Historic Places. (5/98)

Not all factors must be present and the Council in its discretion may give more weight to certain factors as it may determine.

- E. Removal of Designation. The process for removing a resource~~landmark or historic district~~ designation may be initiated by the Council, the Planning Commission, or by the property owner~~any interested person~~ who submits to the Zoning Administrator an application for removal of the designation. The Council may amend or rescind its designation by following procedures required by this Chapter~~ordinance~~ for designating a resource~~landmark~~, including the adoption of appropriate findings. (5/98)
- F. Property Owner Refusal to Consent. The property owner may refuse to consent to historic designation at any point during the designation process described above. Refusal to consent must be provided in writing or must be provided on the public record at any hearing pertaining to the request for designation. Such refusal to consent shall immediately remove the property from any consideration for historic property designation.
- ~~F. —Property Owner Refusal to Consent. The property owner may refuse to consent to historic designation at any point during the designation process described above. Refusal to consent must be provided in writing or must be provided on the public record at any hearing pertaining to the request for designation. Such refusal to consent shall immediately remove the property from any consideration for historic property designation.~~

2.127.05 Demolition and Moving

- A. Planning Commission~~Zoning Administrator~~ Approval. No person shall move, demolish, modify, or cause to be demolished any National Register Resource or locally designated resource~~landmark or a significant resource in an historic district~~, unless a permit to do so has first been obtained ~~from the Zoning Administrator~~. Application for a permit shall be on a form provided by the Zoning Administrator and contain information deemed necessary by the Zoning Administrator. In no case, may a permit be issued for at least 120 days from: (5/98)
 1. The date of a property owner's refusal to consent to ~~historic~~ resource designation (as outlined in section 2.127.04.F), or

2. The date of an application to demolish or modify the resource ~~or~~

3. The date of an application for removal of the designation as outlined in in section 2.127.04.E.

- B. Review Process. ~~Upon receipt of a completed application, the Zoning Administrator may issue a permit for moving or demolition if the resource is located within a designated historic district and is classified as a resource that does not contribute to the character of the district. All other requests shall be included on the agenda for consideration at the next available Planning Commission meeting. Application for a permit shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. The Planning Commission shall hold a public hearing pursuant to Section 8 of this ordinance within 45 days after the Community Development Department has received a completed application pursuant to Keizer Development code Section 3.206.04.~~ (5/98)
- C. Decision ~~Factors~~Criteria. The Planning Commission shall review plans, drawings, and photographs submitted by the application, and other information presented at the public hearing concerning the proposal. In determining whether the requested demolition or moving is appropriate, the Planning Commission shall consider the following: (5/98)
- ~~1. Plans, drawings, and photographs submitted by the applicant;~~ (5/98)
 - ~~2. Information presented at the public hearing concerning the proposal;~~ (5/98)
 13. Provisions of the applicable Comprehensive Plan; (5/98)
 24. The purpose of this ~~Chapter ordinance~~ as set forth in Section 1; (5/98)
 35. The ~~factor~~criteria used in the original designation of the resource; (5/98)
 46. If within an historic district, The historic integrity, age, design or construction rarity, and historic significance of the resource. In addition, If located within an historic district, the resource's contribution to the continuity or historic character of the street, neighborhood, and/or community district and the subsequent integrity of the district if the resource is demolished or moved; (5/98)
 57. Whether denial of the request will involve substantial hardship to the applicant; (5/98)
 68. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this ~~Chapter ordinance~~; (5/98)

79. The value to the community, economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it; and (5/98)

810. The physical condition of the resource. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine.

- D. Planning Commission Approval. The Commission may approve the demolition or moving request after considering the factorseriteria in this section. If approved, and if no appeal is filed, the Zoning Administrator shall issue the permit in compliance with all other applicable laweodes and ordinances of the county. (5/98)
- E. Planning Commission Denial. The Commission may disapprove the demolition or removal request ~~if~~ after considering the factorseriteria in this section if it determines that, in the interest of preserving historical or architectural values, the resource should not be demolished or moved. (5/98)
- F. Planning Commission Postponement.

1. The Commission may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the Commission ~~as follows:~~ (5/98)

1. ~~For landmarks, that is~~ no more than nt 60 days following the date of public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of application or initiationhearing, if the Commission makes the findings specified in subsection ~~(F)(2)e)~~ of this section. (5/98)

2. ~~For a resource located in an historic district, no more that 120 days following the date of public hearing. Further postponement may be made for a period not to exceed 90 days, with the total postponement not to exceed 210 days from the date of hearing, if the Commission makes the findings specified in subsection (c) of this section.~~ (5/98)

23. Further postponements as stated above may only be made if the Commission finds: (5/98)

- a. There is a program ~~ef or~~ project underway that could result in public or private acquisition of the ~~landmark or~~ resource; and (5/98)
- b. There is a reasonable ground for believing the program or project may be successful. (5/98)

34. After granting a further postponement, the Commission may order the Zoning Administrator to issue the permit if it finds: (5/98)

- a. All programs or projects to save the resource have been unsuccessful; (5/98)
- b. The application for demolition or moving has not been withdrawn; ~~and~~ (5/98)
- c. The application otherwise complies with ~~federal~~ county ordinances and state law; ~~and~~; (5/98)
- d. The application should be approved considering the factors set forth in Section 2.127.05.C.

G. Appeals. A decision by the Commission to approve, disapprove or postpone issuance of a demolition or moving permit or to grant a further postponement may be appealed to the Council by any aggrieved party who appeared orally or in writing, in person, or through an attorney at the Commission hearing and presented or submitted testimony related to the request under consideration. The appeal shall comply with the requirements in Section 3.207. (5/98)

~~H. Final Decision. If the Commission within the periods specified above makes no decision on the application, the Zoning Administrator shall issue the permit.~~ (5/98)

H. Alternative Actions. At the time a demolition or moving application is made, the Zoning Administrator shall review alternatives to demolition or moving with the owner of the resource, including local, state and federal preservation programs. (5/98)

I. Additional Requirements. During a period of postponement, the Commission may require the property owner to:

- 1. List the resource for sale with a real estate agent for a period of not less than 90 days. ~~The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days over a 5-week period.~~ (5/98)
- 2. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign, which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with No. 1.; above. (5/98)

3. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies that inquire. (5/98)
4. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource. (5/98)

JK. Press Notification. Prior to issuance of a demolition permit, the Zoning Administrator shall issue a press release to local and state newspapers of general circulation in the county. The press release shall include, but not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource. (5/98)

KL. Permit Conditions. As a condition for approval of a demolition permit, the Commission may:

1. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the ~~city~~county or other party determined appropriate by the Commission. (5/98)
2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. ~~The applicant shall be provided with a list of persons capable of salvaging the resource.~~ (5/98)

LM. Dangerous Building. This ~~Chapter~~ordinance shall not be construed to make it unlawful for any person, without prior approval of the Commission, to comply with an order ~~by the Board~~ to remove or demolish any ~~resource~~landmark determined ~~by the Board~~ to be dangerous to life, health, or property. (5/98)

2.127.06 Exterior Alteration and New Construction

- A. Scope. No person shall alter a ~~designated landmark or any significant resource in an historic district~~ nor shall any new building or structure be constructed ~~on an historic district or on a landmark resource~~ site unless approval is first obtained under this section. In addition, no major public improvements shall be made on a ~~resource~~landmark site ~~or in an historic district~~ unless approved by the Commission. (5/98)
- B. Application Process. Application for alteration of a ~~resource~~landmark or new construction ~~is an historic district or on a landmark resource~~ site shall be made to the Zoning Administrator. The application shall be on a form provided by the Zoning Administrator and shall contain information deemed necessary by the Zoning Administrator. (5/98)

~~C. Approval Requirements. The Zoning Administrator shall approve the alteration request if:~~

- ~~1. There is no change in the appearance or material of the resource as it exists; or (5/98)~~
- ~~2. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials. (5/98)~~

~~CD.~~ Planning Commission Action. Applications for alteration of a resource or new construction shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. If a request for alteration does not meet the provisions of Section 2.127.06.C subsection (3) of this section, the Zoning Administrator shall forward the application to the Commission. The Commission shall hold a public hearing pursuant to Keizer Development Code Section 3.206.04., after notice and public hearing held in accordance with Section 2.127.07 this Ordinance, The Commission shall approve or disapprove issuance of the requested permit. The Commission may attach conditions to the approval, which must be adhered to for the approval to remain valid. (5/98)

~~DE.~~ Decision FactorsCriteria. The Commission shall consider the following ~~factor~~criteria in determining whether to approve an alteration request: (5/98)

1. The purpose of this ~~Chapter~~ordinance; (5/98)
2. The provisions of the applicable Comprehensive Plan; (5/98)
3. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource; (5/98)
4. The value and significance of the resource; (5/98)
5. The physical condition of the resource; (5/98)
6. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, color, texture, and/or materials; (5/98)
7. Pertinent aesthetic factors as identified by the Commission; (5/98)
8. Economic, social, environmental and energy consequences of the proposed alteration; and (5/98)
9. Any design guidelines adopted by the Commission. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine.

- EF. Repair and Maintenance Provisions. Nothing in this ~~section~~ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the Zoning Administrator shall determine is required for the public safety due to an unsafe or dangerous condition. (5/98)

2.127.07 — Notice and Public Hearing

A. — Notice. Within 45 days of receipt of a complete application for designation, alteration, demolition or moving of a resource landmark, or for undertaking such activities or new construction in a resource area historic district, the Commission shall conduct a public hearing to consider the application. (5/98)

B. — Application Process. The hearing shall be conducted as a Type II hearing and subject to the notice, procedural and appeal provisions in Section 3.2075. (5/98)

2.127 HISTORIC RESOURCES

2.127.01 Purpose

The purpose of this Chapter is to:

- A. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the preservation, restoration and protection of those buildings, structures, sites, and objects of historic interest within the city; (5/98)
- B. Foster civic pride in the accomplishments of the past; and (5/98)
- C. Carry out the provisions of the Land Conservation and Development Commission Goal 5. (5/98)
- D. To protect National Register Resources, regardless of whether the resources have been formally designated through the process described in Section 2.127.04.

2.127.02 Conformance Required

No land shall be used, and no building, site, object, or structure of significance, or part thereof, shall be demolished, moved, or altered, nor shall any new construction take place within a resource site except in conformity with this Chapter. (5/98)

2.127.03 Definitions

The following definitions shall apply to this Section:

Alteration: A change, addition, or modification to the exterior of a building. (5/98)

Demolish: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a resource. (5/98)

Resource: A site, object, building, or structure designated by the Council under Section 2.127.04. (5/98)

Major Public Improvement: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property on a resource site, except for the repair or maintenance of existing public improvements. (5/98)

National Register Resource: Buildings, structures, objects, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

2.127.04 Resource Designation

- A. Process. The process for designating a resource may be initiated by the Council, the Planning Commission, or by the owner of the subject property who submits an application for designation to the Zoning Administrator. (5/98)
- B. Information. The following information shall be required in a property owner application:
 - 1. The property owners' name and address (all owners must sign the application); (5/98)
 - 2. A written description of the boundaries and/or the location of the proposed resource; (5/98)
 - 3. A map illustrating the boundaries and/or the location of the proposed resource; (5/98)
 - 4. A statement explaining the following: (5/98)
 - a. The reason(s) why the proposed resource should be designated; (5/98)
 - b. The reason(s) why the boundaries of the proposed resource are appropriate for designation; (5/98)
 - c. The potential impact, if any, which designation of the proposed resource would have on the residents or other property owners in the area. (5/98)
 - 5. Any other information deemed necessary by the Zoning Administrator. (5/98)
- C. Council Action. Applications for Historic Resource designation or removal of designation shall be reviewed in accordance with the Type II-B review procedures specified in Section 3.202.04. The Council shall hold a public hearing pursuant to Keizer Development Code Section 3.206.04. The Council shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. Approvals designating a resource shall be in the form of an Ordinance. (5/98)
- D. Decision Factors. The Council shall consider the following factors in determining whether to approve a proposed resource: (5/98)
 - 1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation; (5/98)

2. Association with an event that has made a significant contribution to the city, county, state, or nation; (5/98)
3. Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation; (5/98)
4. Significance as an example of a particular architectural style, building type and/or convention; (5/98)
5. Significance due to quality of composition, detailing, and/or craftsmanship; (5/98)
6. Significance as an example of a particular material and/or method of construction; (5/98)
7. Significance because the resource retains its original design features, materials, and/or character; (5/98)
8. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction; (5/98)
9. Significance as a visual resource; (5/98)
10. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented; (5/98)
11. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community; (5/98)
12. Significance because the property is 50 years old or older in conjunction with other factors listed above; (5/98)
13. The resource is listed on the National Register of Historic Places. (5/98)

Not all factors must be present and the Council in its discretion may give more weight to certain factors as it may determine.

- E. **Removal of Designation.** The process for removing a resource designation may be initiated by the Council, the Planning Commission, or by the property owner who submits to the Zoning Administrator an application for removal of the designation. The Council may amend or rescind its designation by following procedures required by this Chapter for designating a resource, including the adoption of appropriate findings. (5/98)

- F. Property Owner Refusal to Consent. The property owner may refuse to consent to historic designation at any point during the designation process described above. Refusal to consent must be provided in writing or must be provided on the public record at any hearing pertaining to the request for designation. Such refusal to consent shall immediately remove the property from any consideration for historic property designation.

2.127.05 Demolition and Moving

- A. Planning Commission Approval. No person shall move, demolish, modify, or cause to be demolished any National Register Resource or locally designated resource unless a permit to do so has first been obtained. Application for a permit shall be on a form provided by the Zoning Administrator and contain information deemed necessary by the Zoning Administrator. In no case, may a permit be issued for at least 120 days from: (5/98)
1. The date of a property owner's refusal to consent to resource designation or
 2. The date of an application to demolish or modify the resource or
 3. The date of an application for removal of the designation as outlined in in section 2.127.04.E.
- B. Review Process. Application for a permit shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. The Planning Commission shall hold a public hearing pursuant to Keizer Development code Section 3.206.04. (5/98)
- C. Decision Factors. The Planning Commission shall review plans, drawings, and photographs submitted by the application, and other information presented at the public hearing concerning the proposal. In determining whether the requested demolition or moving is appropriate, the Planning Commission shall consider the following: (5/98)
1. Provisions of the applicable Comprehensive Plan; (5/98)
 2. The purpose of this Chapter; (5/98)
 3. The factors used in the original designation of the resource; (5/98)
 4. The historic integrity, age, design or construction rarity, and historic significance of the resource; (5/98)
 5. Whether denial of the request will involve substantial hardship to the applicant; (5/98)

6. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this Chapter; (5/98)
7. The value to the community, economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it; and (5/98)
8. The physical condition of the resource. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine.

- D. Planning Commission Approval. The Commission may approve the demolition or moving request after considering the factors in this section. If approved, and if no appeal is filed, the Zoning Administrator shall issue the permit in compliance with all other applicable law. (5/98)
- E. Planning Commission Denial. The Commission may disapprove the demolition or removal request after considering the factors in this section if it determines that, in the interest of preserving historical or architectural values, the resource should not be demolished or moved. (5/98)
- F. Planning Commission Postponement.
 1. The Commission may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the Commission that is no more than 60 days following the date of public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of application or initiation, if the Commission makes the findings specified in subsection (F)(2) of this section. (5/98)
 2. Further postponements as stated above may only be made if the Commission finds: (5/98)
 - a. There is a program or project underway that could result in public or private acquisition of the resource; and (5/98)
 - b. There is a reasonable ground for believing the program or project may be successful. (5/98)
 3. After granting a further postponement, the Commission may order the Zoning Administrator to issue the permit if it finds: (5/98)

- a. All programs or projects to save the resource have been unsuccessful; (5/98)
 - b. The application for demolition or moving has not been withdrawn; (5/98)
 - c. The application otherwise complies with federal and state law; and (5/98)
 - d. The application should be approved considering the factors set forth in Section 2.127.05.C.
- G. Appeals. A decision by the Commission to approve, disapprove or postpone issuance of a demolition or moving permit or to grant a further postponement may be appealed to the Council by any aggrieved party who appeared orally or in writing, in person, or through an attorney at the Commission hearing and presented or submitted testimony related to the request under consideration. The appeal shall comply with the requirements in Section 3.207. (5/98)
- H. Alternative Actions. At the time a demolition or moving application is made, the Zoning Administrator shall review alternatives to demolition or moving with the owner of the resource, including local, state and federal preservation programs. (5/98)
- I. Additional Requirements. During a period of postponement, the Commission may require the property owner to:
 - 1. List the resource for sale with a real estate agent for a period of not less than 90 days.
 - 2. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign, which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with No. 1. above. (5/98)
 - 3. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies that inquire. (5/98)
 - 4. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource. (5/98)
- J. Press Notification. Prior to issuance of a demolition permit, the Zoning Administrator shall issue a press release to local and state newspapers of

general circulation in the county. The press release shall include, but not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource. (5/98)

- K. Permit Conditions. As a condition for approval of a demolition permit, the Commission may:
 - 1. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the city or other party determined appropriate by the Commission. (5/98)
 - 2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. (5/98)
- L. Dangerous Building. This Chapter shall not be construed to make it unlawful for any person, without prior approval of the Commission, to comply with an order to remove or demolish any resource determined to be dangerous to life, health, or property. (5/98)

2.127.06 Exterior Alteration and New Construction

- A. Scope. No person shall alter a designated resource nor shall any new building or structure be constructed on a resource site unless approval is first obtained under this section. In addition, no major public improvements shall be made on a resource site unless approved by the Commission. (5/98)
- B. Application Process. Application for alteration of a resource or new construction on a resource site shall be made to the Zoning Administrator. The application shall be on a form provided by the Zoning Administrator and shall contain information deemed necessary by the Zoning Administrator. (5/98)
- C. Planning Commission Action. Applications for alteration of a resource or new construction shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. The Commission shall hold a public hearing pursuant to Keizer Development Code Section 3.206.04. The Commission shall approve or disapprove issuance of the requested permit. The Commission may attach conditions to the approval, which must be adhered to for the approval to remain valid. (5/98)
- D. Decision Factors. The Commission shall consider the following factors in determining whether to approve an alteration request: (5/98)
 - 1. The purpose of this Chapter; (5/98)
 - 2. The provisions of the applicable Comprehensive Plan; (5/98)

3. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource; (5/98)
4. The value and significance of the resource; (5/98)
5. The physical condition of the resource; (5/98)
6. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, color, texture, and/or materials; (5/98)
7. Pertinent aesthetic factors as identified by the Commission; (5/98)
8. Economic, social, environmental and energy consequences of the proposed alteration; and (5/98)
9. Any design guidelines adopted by the Commission. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine.

- E. Repair and Maintenance Provisions. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the Zoning Administrator shall determine is required for the public safety due to an unsafe or dangerous condition. (5/98)

1.200 DEFINITIONS

1.200.01 General Provisions

- A. General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire ordinance (general), and those terms that are apply to specific Sections (specific). Terms used in specific Sections are identified as follows:

[Adult]Adult Entertainment Business; Section 2.418

[Flood]Floodplain Overlay Zone; Section 2.120

[Greenway] Greenway Management Overlay Zone; Section 2.121

[Historical] Historical ~~al~~ Landmark Overlay Zone Resources; Section 2.1257

[RV Park] Recreational Vehicle Park; Section 2.412

[Signs]Signs; Section 2.308

- B. Interpretation. When there are two definitions for the same word or phrase, then the definition most applicable for the given situation shall apply. If appropriate, specific terms may be applied to general situations. (5/98)

1.200.02 Grammatical Interpretation.

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, and the singular includes the plural. The word "shall" is mandatory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings. (5/98)

1.200.03 Diagrams

Diagrams are provided for terms or phrases in order to provide an illustrative example. (5/98)

1.200.04 Definitions.

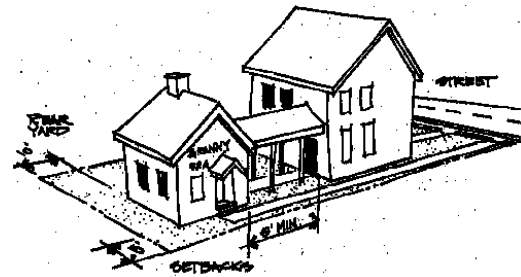
The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Access: The way or means by which pedestrians and vehicles shall have ingress and egress to property. (5/98)

Access Easement:

A narrow, private, limited use roadway, which provides access to a public street for properties that do not have usable public street frontage. (11/16)

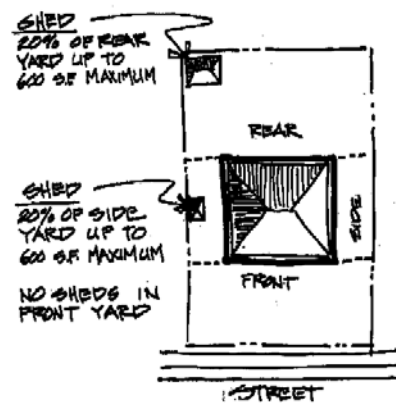
Accessory Residential Housing: A, subordinate dwelling unit the use of which is incidental to the main building and is used as dwelling or living quarters. (5/98)



Accessory Housing

Accessory Structure: A detached, subordinate building or portion of a main building, the use of which is incidental to the main building or use of the land, but does not include dwellings or living quarters. (5/98)

Accessory Structure [Flood]: Sheds or small garages less than 480 square feet in area that are exempt from elevation or flood proofing requirements. (5/98)



Accessory Structure

Accessory Use: A use incidental and subordinate to the main use of the parcel, lot or building. (5/98)

Adjacent: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent." (5/98)

Administrative Decision: A decision made by applying the existing standards contained in this Ordinance and without a public hearing. (5/98)

Adult entertainment business [Adult]: A term intended to cover a broad range of activities characterized by live, closed circuit, digital, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult businesses limit their patrons to persons at least 18 years of age. The term "adult entertainment business" also includes the full range of adult motion picture or video theaters and related businesses, such as adult bookstores, adult theaters, adult massage parlors, adult lotion studios, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which make up a substantial or significant portion of the establishment's activities or merchandise and constitute a continuing course of conduct of exhibiting specified sexual activities and/or nudity in a manner which appeals to a prurient interest. The term "adult entertainment business" also includes other uses similar to the uses mentioned above, presenting material for patrons to view (live, closed circuit, or reproductions), providing massage or lotion studios for the purpose of fondling or other erotic touching of specified anatomical areas and/or purchase or rent of merchandise which emphasizes nudity and/or specified sexual activity in a manner which appeals to a prurient interest, and limiting entrance to patrons who are over 18 years of age. (5/98)

Alteration [Historical]: A change, addition, or modification to the exterior of a building. (5/98)

Alteration or Altered [Sign]: 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 shall not be considered an alteration. (5/98)

Alteration, Structural: Any change in the exterior dimensions of a building, or, a change which would affect a supporting member of a building, such as a bearing wall, column, beam, or girder. (5/98)

Appeal: A request for a review of a decision authority's action on an application. (5/98)

Applicant: The property owner of record or contract purchaser. (5/98)

Approved: Means approved by the Community Development Director, Hearings Officer, Planning Commission or City Council having the authority to grant such approval. (5/98)

Architectural Front: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural front of a building is opposite the architectural rear. The architectural front is typically the façade with the main point of entry into the building and may include doorways, stairs, windows, and other architectural features typically found on a front of the residential building. It may be oriented towards a street or towards an internal parking lot. (6/07)

Architectural Rear: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural rear of a building is opposite the architectural front, or the façade with the main point of entry into the building. The architectural rear is typically the side of the building that may include such features as porches, patios or other features for use of either individual or multiple units. (6/07)

Architectural Side: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural side of a building is perpendicular to both the architectural front and rear. The architectural side is typically the façade without any significant architectural features found on either the front or rear of the building. (6/07)

Area: The total area circumscribed by the boundaries of a lot or parcel, except that:

1. When the legal instrument creating the property shows the boundary extending into a public street right-of-way, then for purposes of computing the lot or parcel area shall be the street right-of-way line,

or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street. (5/98)

2. Private access easements, and the access strips to flag-lots, shall not be included when calculating the area of a lot or parcel. (5/98)

Area [Sign]: The area of a sign shall be the entire area within any type of 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

Area of Special Flood Hazard [Flood]: Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (5/98)

Attached Dwellings:

Two or more dwelling units on separate properties that share a common wall for a full story that adjoins enclosed habitable space on each side. Attached dwellings shall be joined along a common wall for no less than one story for a distance of at least 10 feet. (01/02)

Automobile, Recreational Vehicle or Trailer Sales: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers and where repair work is limited to minor, incidental repairs. (5/98)

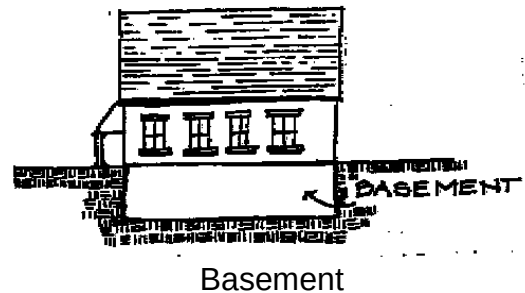
Awning [Sign]: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)



Sign Awning

Base Flood Level [Flood]: The flood level having a 1 percent chance of being equaled or exceeded in any given year (100 year flood plain). (5/98)

Basement: That habitable portion of a building between floor and ceiling which is all below, or partly below and partly above, grade, but so located that for all exterior walls the average vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story. (5/98)

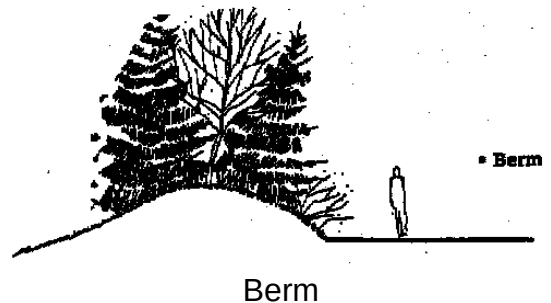


Bed and Breakfast Establishment: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis with a morning meal provided. (5/98)

Berm: A linear mound of soil. (5/98)

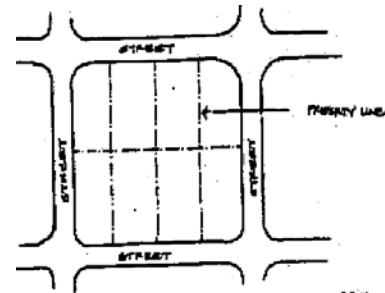
Bicycle Facilities: Improvements which provide for the needs of cyclists, including bicycle paths, bicycle routes and bicycle parking. (5/98)

Biomass Facility: An electric generating facility that burns wood, agricultural products, other plant or animal waste or material solid waste as fuel to produce steam which is converted to electricity. This definition also includes a gasification, methane fermentation, or alcohol fuel production facility. (5/98)



Block: A parcel of land bounded by 3 or more through streets. (5/98)

Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. Recreational vehicles shall not be considered buildings. (5/98)



Building Coverage: The portion of a lot or parcel covered or occupied by buildings or other structures. (5/98)

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

Building Frontage [Sign]: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A service station may use the longest side of an overhanging



canopy for building frontage. (5/98)

Building Height: The vertical distance from the average elevation of the finished grade to the highest point of the structure. By definition, building height does not include architectural and building features exempt from height restrictions. (5/98)



Building, Main: A building within which is conducted the principal use of the property. (5/98)

Building Official: An individual empowered by the City to administer and enforce the Uniform Building Code (UBC). (5/98)

Cabana: A stationary structure with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home. (5/98)

Canopy Sign [Sign]: A sign hanging from a canopy or eve, at an angle to the adjacent wall. (5/98)



Carpool: A group of two or more commuters, including the driver, who share the ride to and from work or other destinations. (5/98)

Carport: A structure consisting of a roof and supports for covering a parking space and of which not more than one side shall be enclosed by a wall or storage cabinet. (5/98)

Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery. (5/98)

Change of Use: A change from one type of use of a building or land to another type of use. (5/98)

Change of Use [Greenway]: Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be

considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development: Man-made changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. (5/98)

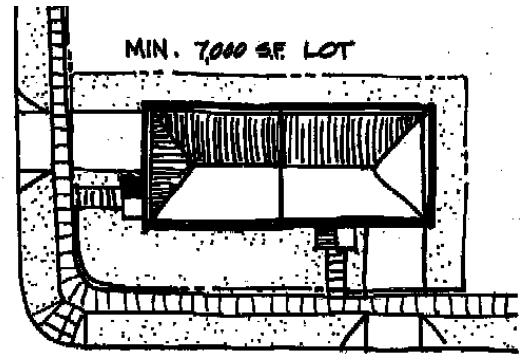
Development [Flood]: Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials. (5/98)

Dormitory: A building, under single management, where group sleeping accommodations are provided for in one room or in a series of closely associated rooms and where meals may be provided. (5/98)

Driveway: A private way used by vehicles and pedestrians to gain access from a public access or right-of-way onto a lot or parcel of land. (5/98)

Drop Station: Vehicles or structures of less than a total of 400 square feet maintained on a lot solely to provide shelter for no more than four types of recyclable material (such as paper, tin cans, plastic and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere. (5/98)

Duplex: See: "Dwelling, Two-Family (Duplex)." (5/98)



Duplex

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. (5/98)

Dwelling, Multi-Family: A building on a single parcel or lot containing 3 or more dwelling units designed for occupancy by 3 or more families living independently of each other. (5/98)

Dwelling, Single Family Detached: A detached building containing one dwelling unit designed exclusively for occupancy by 1 family. (5/98)

Dwelling, Townhouse: A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel. (5/98)

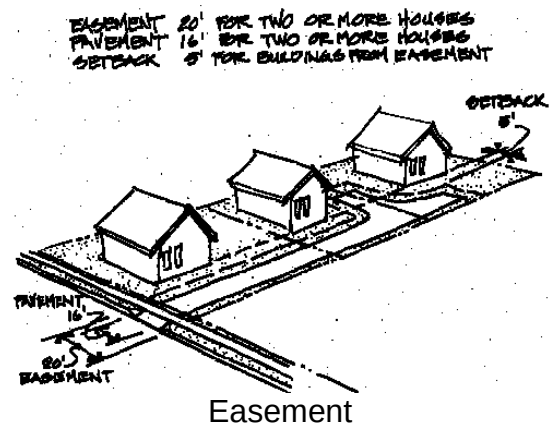
Dwelling, Two-Family (Duplex): A detached building on a single parcel or lot containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other. (5/98)

Easement: A grant of right to use an area of land for a specific purpose. (5/98)

Employees: All persons, including proprietors, performing work on a premise. (5/98)

Encroachment [Flood]: Any obstruction in the flood plain which affects flood flows. (5/98)

Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured



Easement

home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance. (5/98)

Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). (5/98)

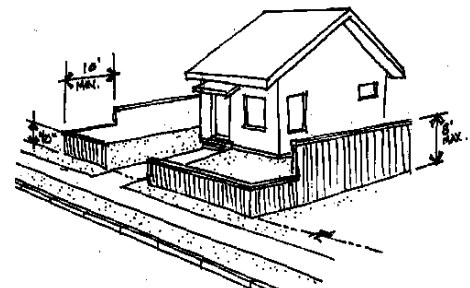
Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or a group of not more than 5 unrelated individuals, living together as a single housekeeping unit. (5/98)

Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider. (5/98)

Farming: The use of land for purposes defined in ORS Chapter 215. (5/98)

Federal Emergency Management Agency (FEMA) [Flood]: The federal organization responsible for administering the National Flood Insurance Program. (5/98)

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic. (5/98)



Fence, Sight Obscuring: A fence arranged or constructed to obstruct vision. (5/98)

Fill [Flood]: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc. (5/98)

Final Decision: A decision made in accordance with, and pursuant to, the provisions of this ordinance, or decisions made by the Land Use Board of Appeals or the Courts, after the applicable appeal periods have expired. (5/98)

Finish Ground Level [Sign]: 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, whichever is the lowest. (5/98)

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

Flashing Sign [Sign]: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use. (5/98)

Flood or Flooding [Flood]: A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source. (5/98)

Flood Boundary Floodway Map (FBFM) [Flood]: The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plan, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS). (5/98)

Flood Elevation Certificate (FEC) [Flood]: Certification by a professional surveyor or other authorized official indicating the height of the lowest floor of a building. (5/98)

Flood Insurance Rate Map (FIRM) [Flood]: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Keizer. (5/98)

Flood Insurance Study (FIS) [Flood]: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Keizer. (5/98)

Flood Plain [Flood]: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Keizer. (5/98)

Flood Proofing [Flood]: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area. (5/98)

Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation. (5/98)

Floodway Fringe [Flood]: The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge. (5/98)

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces. (5/98)

Forest Use: The use of land for the production of trees; the processing of forest products; open space; water sheds; wildlife and fisheries habitat; vegetative soil stabilization; air and water quality maintenance; outdoor recreational activities or related support services; wilderness; or, livestock grazing. (5/98)

Free-Standing Sign [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)



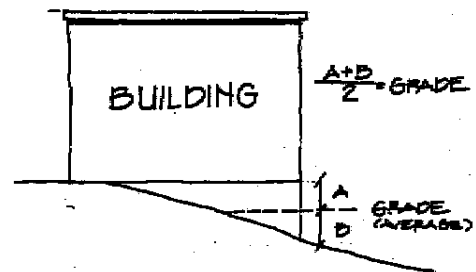
Free-Standing Sign

Frontage: That portion of a lot or parcel which abuts a public street. (5/98)

Front Lot Line: See "Lot Line, Front." (5/98)

Garage: A building, or portion of a building, used for the storage or parking of a vehicle. (5/98)

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation. (5/98)



Grade

Habitable Space: A room or space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space. (5/98)

Hazardous Material [Flood]: Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment. (5/98)

Hearings Action: Those actions where opportunity for a public hearing of a land use action is provided by this Ordinance. (5/98)

Hearings Officer: The person(s) so designated by the Council to conduct a quasi-judicial public hearing for certain land use actions. (5/98)

Historic District [Historical]: ~~A geographically definable area, the boundaries of which have been adopted by the Council under Section 2.125.04.~~ (5/98)

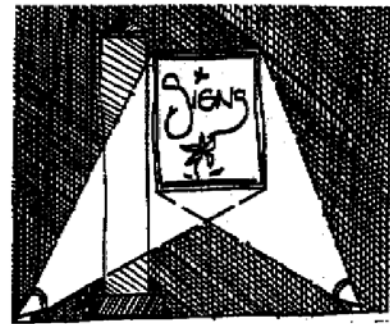
Historic Resource [Historical]: A site, object, building, or structure designated by the Council under Section 2.127.04.!

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Ordinance. Such term does not include the lease or rental of a dwelling unit, the rental of guest rooms on the same premises, or the operation of a day care facility. (5/98)

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms. (5/98)

House of Worship: A church, synagogue, temple, mosque, or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and a residence. (5/98)

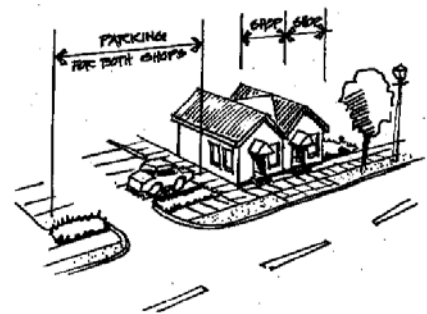
Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

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

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



Integrated Business Center - Small

Infill Development Parcel:

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

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



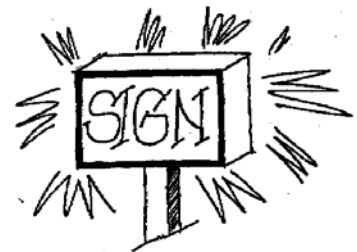
Integrated Business Center - Large

Intensification [Greenway]: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

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

Joint Use Sign [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)

Junk: The term "junk" regardless of value, includes but is not be limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply:



Internal Illumination

1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)
3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
4. "Waste tire" means a tire that is not longer suitable for its original intended purpose because of wear, damage, or defect. (5/98)
5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. (5/98)



Joint Use Sign

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise. (5/98)

Kennel: Any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training. (5/98)

Land Division: Any partition or subdivision of a lot or parcel. (5/98)

Land Use Action: An amendment to the City of Keizer Comprehensive Plan or this Ordinance, or a decision on a zone change, variance, conditional use, partitioning or subdivision, or administrative permits, including appeals from any of the foregoing decisions. Issuance of a building permit is not a land use action. (5/98)

Landmark [Historical]: ~~Any site, object, buildings, or structure designated by the Council under the provisions of the Historical Landmark Overlay Zone.~~ (5/98)

Landscaped: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways sculpture, trellises, and screens. (5/98)

Legislative Action: A land use action involving amendments to the Comprehensive Plan, the text of this Ordinance, or an amendment to the Comprehensive Plan map or Zoning map involving more than 5 separate property ownerships. (5/98)

Livestock: Domestic animals of types customarily raised or kept on farms for profit or food. (5/98)

Loading Space: An off-street space or berth on the same lot with a building, or group of buildings, used for the parking of a vehicle while loading or unloading merchandise, materials or passengers. Loading space excludes fire lanes, as they are not considered useable space for loading and unloading. (5/98)

Lot: A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning, subdivision ordinances; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning ordinances, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of:

1. Single lot of record;
2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record. (5/98)

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, and exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance. (5/98)

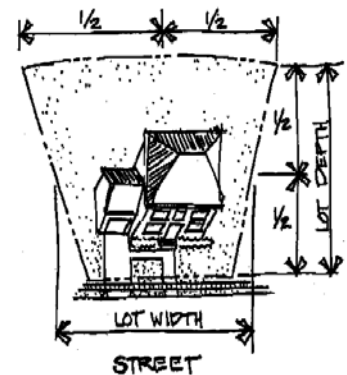
Lot, Corner: A lot abutting on two intersecting streets, other than an alley or private access easement, where the angle of intersecting streets is no greater than 135 degrees. (5/98)

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line. (5/98)

Lot, Flag: A lot or parcel of land with access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership. (5/98)

Lot, Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line. (5/98)

Lot, Interior: A lot other than a corner lot. (5/98)



Lot Width and Depth

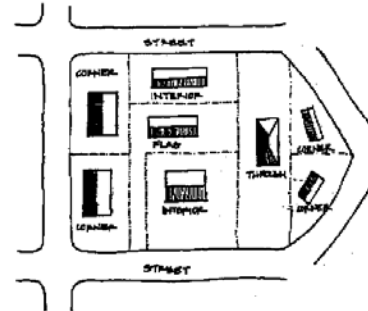
Lot Line, Front:

A lot line abutting a public street, private street, or access easement. In the case of a corner lot, through lot or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front line is based on the structure's orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or access easement); and/or
- c. Legal street address.

For flag lots and lots with access from an easement, the Zoning Administrator shall have the authority to designate another line as the front lot line in which case it shall be clearly noted on the final plat. (01/02)

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line. (5/98)



Lot Types

Lot Line, Side: Any property line which is not a front or rear lot line. (5/98)

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Marion County property records. (5/98)

Lot, Through: An interior lot having frontage on two streets. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. (6/07)

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (5/98)

Lowest Floor [Flood]: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (5/98)

Main Entrance: The principle building entrance intended for the use by the general public, employees or residences. A main entrance door may not be a door that is locked during normal business hours. This entrance is designated the address bearing entrance for the purpose of Emergency Responders. (5/98)

Major Public Improvement [Historical]: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property within a district or on a landmark site, except for the repair or maintenance of existing public improvements. (5/98)

Manufactured Home: A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976. (5/98)

Manufactured Home [Flood]: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes mobile homes. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (5/98)

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on property under the same ownership, the primary purpose of which is to rent or lease space to any person, or, to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance. (5/98)

Manufactured home park or subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (5/98)

Marijuana Grow Site: A Marijuana Grow Site that is registered by the Oregon Health Authority Under ORS 475.304 or applicable state law at a specific location used by a grower to produce marijuana for medical use by specific qualifying patients. (10/14)

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

Marijuana Producer: A Marijuana Producer means a person who produces marijuana in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

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 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. (9/16)

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)

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC). (5/98)

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges. (5/98)



Multi-Faced Sign

Multi-faced Sign [Sign]: A sign which has 2 or more identical sign faces, contained in a single sign structure. (5/98)

Multi-family Dwelling [Sign]: A residential structure or complex of structures which include 3 or more separate dwelling units, whether rented or owned by the occupants. (5/98)

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

Neighborhood Activity Center: A use, or combination of uses, which is a common destination or focal point for community activities, including primary and secondary schools, neighborhood parks and playgrounds and shopping centers. (5/98)

Neighborhood Association: An association recognized by the City Council as being a Neighborhood Association in accordance with the Neighborhood Association Ordinance. (5/98)

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance. (5/98)

New Construction [Flood]: Structure(s) for which the start of construction commenced on or after the original effective date of the Floodplain Overlay Zone. (5/98)

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

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located. (5/98)

Notification Area: An area bounded by a line, parallel to the boundary of a subject lot. As used in this section "subject lot" includes not only the lot that is the subject of the proceeding for which notice is required, but also includes any contiguous lot

in which any applicant or owner of the subject lot has either sole, joint, or common ownership, or an option to purchase, in whatever form. In the event that the application does not apply to the entire lot, the boundary of the notification area shall be measured from the lot line, not the boundary of the portion of the lot. (5/98)

Notification List: A certified list prepared by a Title Company, the Marion County Assessor's Office or the City which includes the names and addresses of all property owners within the notification area as shown in the County Assessor's records. (5/98)

Nudity or nude [Adult]: Being devoid of an opaque material covering the human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola and where such opaque material does not simulate the organ covered. (5/98)

Nursing Home: A home, place or institution which operates and maintains facilities providing convalescent and/or nursing care for period exceeding 24 hours. Convalescent care may include, but is not limited to, the procedures commonly employed in the nursing and caring for the aged and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS. (5/98)

Obstruction [Flood]: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property. (5/98)

Official Zoning Map: The map which indicates the zones in the City of Keizer. (5/98)

Original Jurisdiction: The authority and responsibility for rendering the first decision in a land use proceeding. (5/98)

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract. (5/98)

Owner [Sign]: 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)

Parcel: A unit of land that is created by a partitioning of land. (5/98)

Parking Lot or Area: An open area, building or structure, other than a street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area. (5/98)

Parking Space: A designated space in a parking lot or area for the parking of one motor vehicle. (5/98)

Partial Harvesting of Timber [Greenway]: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe. (5/98)

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or,
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or,
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r). (5/98)

Pedestrian Circulation System: Pedestrian connection(s) between building entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties. (5/98)

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions. (5/98)

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways. (5/98)

Permit (noun): Any action granting permission to do an act or to engage in activity where such permission is required by this Ordinance. (5/98)

Permitted Use: Those uses permitted in a zone that are allowed without obtaining a conditional use permit. (5/98)

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit. (5/98)

Pet: A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, dogs, cats, birds and other small mammals and reptiles, but not including fowl, herd animals, pigs, goats or horses of any type or breed. (5/98)

Place of Public Assembly: Structure or place where 50 or more people gather which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity. (5/98)

Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan. (5/98)

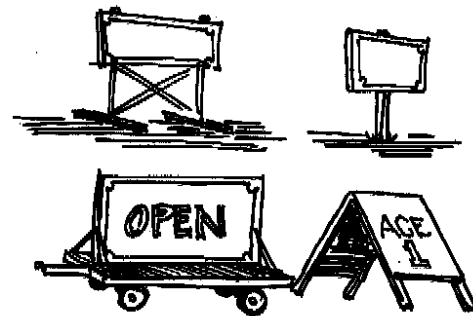
Planned Unit Development: A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance. (5/98)

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

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition. (5/98)

Portable Sign [Sign]: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards.

Portable signs are not to be considered temporary signs as defined and used in this chapter. (5/98)



Portable Signs

Primary Building Façade:

Primary building façade means the side of a building that faces the street and has a main pedestrian entrance from the street. (01/02)

Professional Office: An office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, city or regional planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character. (5/98)

Property Line Adjustment: The realignment of a common boundary between two or more abutting lots or parcels which does not involve the creation of a new lot or parcel. (6/16)



Projecting Signs [Sign]: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure. (5/98)

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare. These may include, but are not limited to, water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas. (5/98)

Quasi-Judicial Review: A decision affecting land use within the City which requires the interpretation and/or amendment of existing standards or maps contained in this Ordinance. (5/98)

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements. (5/98)

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

Rear Lot Line: See "Lot Line, Rear." (5/98)

Recreational Vehicle [RV Park]: A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. (5/98)

Recreational vehicle includes:

1. **Camping Trailer**: A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle. (5/98)
2. **Motor Home**: A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle. (5/98)

3. Travel Trailer: A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits. (5/98)
4. Truck Camper: A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pick-up truck. (5/98)
5. Boat, licensed or unlicensed, including trailer. (5/98)
6. All-terrain vehicle (ATV). (5/98)

Recreational vehicle [Flood]: A "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801-350, and 801-565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a Mobile Home (Flood), of this Section. (5/98)

Recreational Vehicle Park [RV Park]: Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles. (5/98)

Recreational Vehicle Space [RV Park]: The area under a parked and occupied recreational vehicle. (5/98)

Recycling Depot: A area used for the collection, sorting, and temporary storage of non-putrescible waste and discarded materials which are taken elsewhere to be re-used or recycled. This definition does not include drop stations. (5/98)

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes. (5/98)

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility. (5/98)

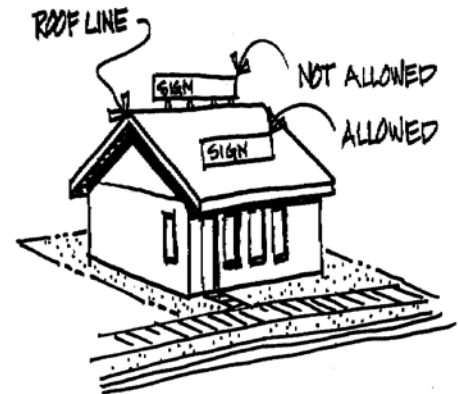
Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (5/98)

Retail Trade: The process of selling to the consumer for direct consumption and not for resale. (5/98)

Right-of-Way: The full length and width of a public street or way, planned or constructed. (5/98)

Roof Line [Sign]: 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. (5/98)

Roof Sign [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)



Roof Line & Roof Sign

Rooming and Boarding House: A residential building or portion thereof with guest rooms, providing lodging, or lodging and meals, for 3 or more persons for compensation. (5/98)

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

School, Elementary, Middle School, or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education. (5/98)

School, Trade or Commercial: A building where the instruction is given to pupils for a fee, which fee is the principal reason for the existence of the school. (5/98)

Scrap and Waste Materials Establishment: An business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper; brass, rope, rags, batteries, paper, rubber, or debris; waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts (except wrecking yards), iron, steel, or other old scrap metal or non-metal materials. Scrap and waste materials establishments does not include drop stations, solid waste transfer stations, or recycling depot. (5/98)

Semi-Public Use: A structure or use intended for a public purpose by a non-profit organization. (5/98)

Serial additions, alterations or expansions: Two or more additions, alterations or expansions to the existing building gross floor area and/or impervious surface area within a 3-year time period. (12/03)

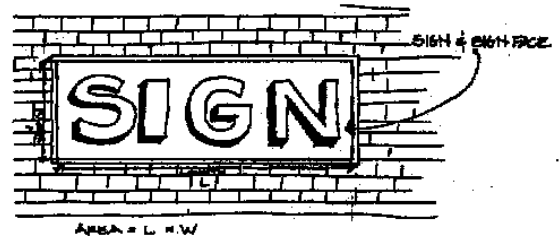
Service Station: A site and associated buildings designed for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major

repair and overhaul. "Major repair and overhaul", as used in this definition, shall be considered to include such activities at painting, bodywork, steam cleaning, tire recapping, and major engine or transmission overhaul or repair involving the removal of a cylinder head or crankcase. (5/98)

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure. (5/98)

Side Lot Line: See "Lot Line, Side." (5/98)

Sign [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

Sign Face [Sign]: Surface of a sign containing the message. The sign face shall be measured as set forth in Section 15.10(2). (5/98)

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

Site, Development, or Complex: A group of structures or other development that is functionally or conceptually integrated, regardless of the ownership pattern of the development or underlying land. (5/98)

Solid Waste Transfer Station: A fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building, hopper, railroad gondola or barge. The term does not include a self-propelled compactor type solid waste collection vehicle into which scooters, pick-ups, small packers or other satellite collection vehicles dump collected solid waste for transport to a transfer, disposal, landfill or resource recovery site or facility. (5/98)



Sign Height

Space, Manufactured Home: An area or lot reserved

exclusively for the use of a manufactured home occupant. This definition excludes individual lots within a subdivision. (5/98)

Special Permitted Use: A use which is a permitted use in a particular zone subject to compliance with the applicable standards of Section 2.400. (5/98)

Specified sexual activities [Adult]: Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a simulated state, or the characterization thereof in a printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (5/98)

Standard Industrial Classification (SIC): The document so entitled, published in 1987 by the Office Management and Budget, and used in this Ordinance to identify land uses. (5/98)

Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement. (5/98)

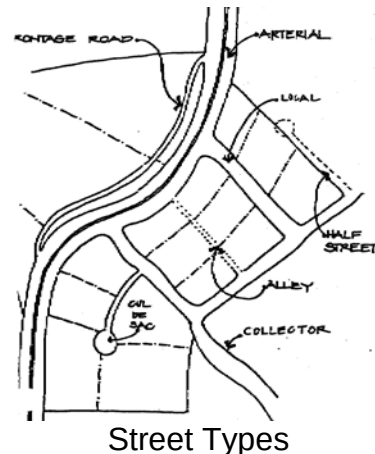
Start of Construction [Flood]:

1. The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure. (5/98)
2. For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. (5/98)
3. For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed. (5/98)

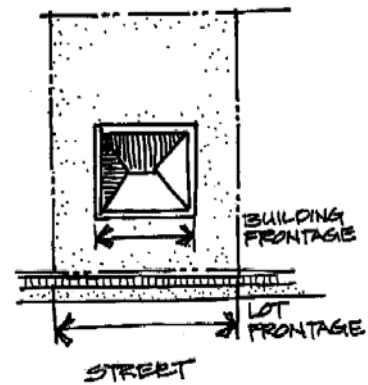
Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. Any basement, as defined herein, that is habitable shall be deemed a story for the purpose of administering all fire, life, safety codes including the Uniform Fire Code. (5/98)

Street: The entire width between the boundary lines of every way of travel which provides for ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. Streets shall follow the locally adopted street designations. A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition. (5/98)

1. **Alley:** A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street. (5/98)
2. **Arterial:** A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City. (5/98)
3. **Collector:** A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties. (5/98)
4. **Cul-de-sac (dead-end):** A short street with one end open to traffic and the other terminated by a vehicle turn-around. (5/98)
5. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision of development. (5/98)
6. **Frontage Road, Marginal Access Road:** A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. (5/98)



7. Local Street: A street intended primarily for access to abutting properties, but protected from through traffic. (5/98)
8. Private Access Easement: A right-of-way across private property granted by the property owner to owners of one or more lots and allowing vehicles access from a street or roadway to those lots. (5/98)



Street & Building Frontage

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

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. (5/98)

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. (5/98)

Structure [Flood]: Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground. (5/98)

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property. (5/98)

Subdivision: All divisions of property which create four or more lots in a single calendar year. (5/98)

Subject Property: The lot or parcel that is the location of the proposed use or structure. (5/98)

Substantial Improvement [Flood]: Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50% of the market or assessed value of the structure before the start of construction of the improvement:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:

- a. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure. (5/98)

Substantial or significant portion [Adult]: More than 10 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 10 percent of the establishment's gross sales per month, whether wholesale or retail, or more than 10 percent of a film or video or live performance. (5/98)

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (12/03)

Temporary Sign [Sign]: A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. (5/98)

Temporary Use: A primary, secondary, or accessory use that occurs on a lot for less than 6 months in any calendar year, or a lesser period as prescribed by this Ordinance. (5/98)

Trailer (Travel or Vacation): See Recreational Vehicle. (5/98)

Transit Facilities: Transit related improvements including, but not limited to, bus pullouts, shelters, waiting areas, information and directional signs, benches and lighting. (5/98)

Transit Route: An existing or planned route for public intra-city or intra-urban transit service in the local or regional transit plan. Transit routes do not include temporary routes or routes which are planned to be replaced or relocated in the relevant plan. Transit routes are also referred to as transit streets and transit corridors. (5/98)

Transit Stop: Improvements and facilities at selected points along transit routes for passenger pick-up, drop-off, and waiting. Facilities and improvements may include

shelters, benches, pavement, sign structures and other improvements to provide security, protection from the weather and access to nearby services. (5/98)

Transit Street: All streets designated by the adopted Transportation Plan as a major or minor arterial street plus any street used as an existing bus route. (5/98)

Transmission Facility: High voltage power lines and related support structures used to convey electricity from a power generator facility to electric substations along a line or corridor. (5/98)

Transmission Towers: A single structure and related unoccupied buildings transmitting or relaying electronic signals to the surrounding area or along a communication corridor including radio and television transmitters and microwave relay station. (5/98)

Travel Trailer Parks: Recreational Vehicle Park. (5/98)

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County. (5/98)

Uniform Building Code (UBC): The code of building design and construction standards adopted by the City of Keizer. (5/98)

Use: The purpose for which land or a structure is designed, arranged or intended, or, for which it is occupied or maintained. (5/98)

Utility: See "Public Facilities and Services." (5/98)

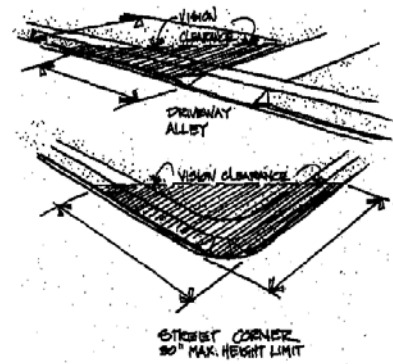
Vanpool: A group from 5 to 15 commuters, including the driver, who share the ride to and from work or other destinations on a regularly scheduled basis. (5/98)

Vegetative Fringe [Greenway]: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

Vehicle: For purpose of this Ordinance vehicle shall have the same meaning as the definition in the rules and regulations of the Oregon Department of Transportation Driver and Motor Vehicle Division. (5/98)

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for domestic animals, including both pets and farm animals, under the direction of a licensed veterinarian. (5/98)

Vision Clearance Area: A triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the face of the curb and extend at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (5/98)



Vision Clearance Area

Wall Sign [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 and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign. (5/98)



Wall Sign

Warehouse: A place for the safekeeping of goods and materials for an industrial or commercial enterprise (also see "Mini-Storage Warehouse"). (5/98)

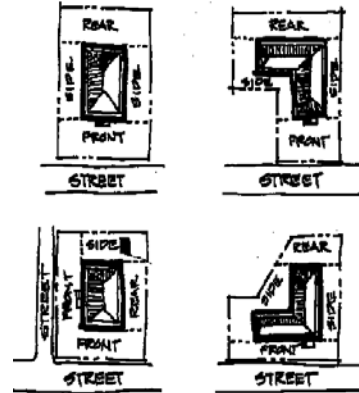
Water-Dependent [Greenway]: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. (5/98)

Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

Watercourse [Flood]: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain. (5/98)

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer. (5/98)

Wrecking Yard: Property used for the business of buying, selling or dealing in vehicles and parts for the purpose of wrecking, dismantling, disassembling and offering for sale a used vehicle or components, and is licensed under the laws of the State for that purpose. "Vehicles" include all means of transportation that are registered with the Department of Motor Vehicles. (5/98)



Yards

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building. (5/98)

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building. (5/98)

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building. (5/98)

Zero Lot Line Wall:

Zero lot line wall means any exposed building wall that is constructed along the lot line as part of a zero lot line development and is visible from the public right-of-way or access easement. This definition includes any building wall that may be part of a zero lot line development and set off the property line but closer to the property line than would normally be required by yard or setback requirements of the zone. (01/02)

Zero Side Yard Dwelling Unit: An attached or detached dwelling unit constructed contiguous to a side lot



Zero Side Yard Dwelling Unit

2.123 GREENWAY MANAGEMENT OVERLAY ZONE (GMO)

2.123.01 Purpose

The purpose of the GM (GREENWAY MANAGEMENT OVERLAY) Zone is to protect the natural, scenic, and recreation qualities of lands along the Willamette River in the City of Keizer; preserve and allow the restoration of historical ~~al-sites resources, structures, and facilities~~ along the Willamette River; implement the goals and policies of the State of Oregon's Willamette River Greenway Program; implement goals and policies of the City of Keizer's Comprehensive Plan; and establish standards and requirements for the use of lands within the Willamette River Greenway. (5/98)

2.123.02 Application

The provisions of this overlay zone shall apply to all lands within the Willamette River Greenway Boundary of the City of Keizer as shown on the official zoning map. The boundary is shown in detail on aerial photomaps on file with the City of Keizer. The Zoning Administrator shall make interpretation of the exact location of the boundary from these photomaps. (5/98)

2.123.03 Definitions

The following definitions shall be used in administering this overlay zone:

Change of Use: Making a different use of the land than that which existed on December 6, 1975. It includes a change that requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

Intensification: Any additions that increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use

and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

Partial Harvesting of Timber: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe. (5/98)

Vegetative Fringe: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

Water-Dependent: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. (5/98)

Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

2.123.04 Review of Uses

Within the GM (GREENWAY MANAGEMENT OVERLAY) Zone, a conditional use permit shall be required for all use changes, intensification of uses or site alteration on land or water otherwise permitted in the underlying zone except for the following activities which are not subject to review in this overlay zone:

- A. Customary dredging and channel maintenance conducted under permits from the State of Oregon. (5/98)
- B. Seasonal increases in gravel operations as provided under permit from the State of Oregon. (5/98)
- C. The placing by a public agency of signs, markers, aids, etc. to serve the public. (5/98)
- D. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, identified in a public park master plan approved by the City Council. If the responsible agency did not hold a public hearing prior to plan adoption, the City shall hold a hearing under the procedures for a conditional use permit and make findings that the criteria in this Chapter are satisfied before approving a park plan. (5/98)
- E. Erosion control operations not requiring a permit from the Division of State Lands. (5/98)

- F. Farm uses. (5/98)
- G. Reasonable emergency procedures necessary for the safety or protection of property. (5/98)
- H. Maintenance and repair usual and necessary for the continuance of an existing use. (5/98)
- I. Landscaping, propagation of timber, construction of driveways, and the construction or placement of accessory structures other than guest houses, provided that such activities are conducted in conjunction with uses already existing on the same property, are accomplished in a manner compatible with the purpose of this zone, and are located at least 30 feet upland from ordinary high water unless unusual site conditions are present. Setbacks are to be established on a case-by-case basis through the Greenway Development Conditional Use process. (5/98)
- J. The partial harvesting of timber in accordance with a plan approval under the Forest Practices Act on lands upland beyond the vegetative fringe. (5/98)
- K. Water intakes and utilities in conjunction with an agricultural use and single-family residences. (5/98)

2.123.05 Process

- A. Application Process. A conditional use for development within the Greenway Management Overlay Zone shall be reviewed as a Type I-B action. The conditional use may be processed independently or in conjunction with other land use actions required for development of the property. (5/98)
- B. Additional Information. In addition to the submittal requirements for a conditional use application, the applicant shall supply the following:
 - 1. Plot plan showing the following:
 - a. The area of the proposed use or activity. (5/98)
 - b. The proximity of the activity to the Willamette River at low and high water level and the location of the top of the terrace bank. (5/98)
 - c. The location of any existing vegetative fringe along the riverbank or other significant vegetation. (5/98)
 - 2. Statements, drawings, or photos of the proposed external appearance of proposed activity as viewed from the river. (5/98)
 - 3. Statements demonstrating compliance with the provisions of this zone. (5/98)

4. Any additional information determined by the Zoning Administrator to be necessary to demonstrate compliance with this zone. (5/98)

2.123.06 Review Standards and Criteria

A conditional use permit within the Greenway Management Overlay Zone, shall indicate how: (a) the proposal will not affect the following factors; (b) the proposal can be mitigated in some manner to minimize or eliminate potential harmful impacts; or, (3) the factors do not apply to the request. The factors include: (5/98)

- A. Significant fish and wildlife habitats, significant natural and scenic areas, viewpoints and vistas identified in the Comprehensive Plan shall be preserved. (5/98)
- B. Areas of ecological, scientific, historical or archeological significance identified in the Comprehensive Plan shall be protected, preserved, restored, or enhanced to the maximum extent possible. (5/98)
- C. The quality of the air, water, and land resources in and adjacent to the Greenway shall be preserved in the development, change of use or intensification of use of land within the Greenway Management Zone. (5/98)
- D. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions. (5/98)
- E. The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river. (5/98)
- F. Only partial harvesting of timber shall be allowed. It shall be conducted in a manner consistent with the requirements under the Forest Practices Act. Wildlife habitat and the natural scenic qualities of the Greenway shall be maintained or be restored. The extent or type of harvest shall be limited as necessary to satisfy the appropriate standards and criteria in this subsection. Harvesting shall only occur beyond the vegetative fringe. (5/98)
- G. The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area. (5/98)
- H. Areas considered for development, change, or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone. (5/98)
- I. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety and to guarantee necessary reclamation. (5/98)

- J. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property. (5/98)
- K. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable. (5/98)
- L. Except for water-related and water-dependent buildings and structures, buildings and structures shall be located 30 feet or more upland from the ordinary high water line unless it can be shown that the parcel size makes meeting this requirement impossible, or significant natural features would be lost if the standard is met. (5/98)
- M. Public access to and along the river shall be provided in conjunction with subdivision, commercial and industrial development, and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property. (5/98)
- N. The development shall be directed away from the river to the greatest possible extent. (5/98)
- O. The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river. (5/98)
- P. Private docks and wharves shall be limited to one per property ownership, and shall be limited to 150 square feet of gross area per property served. Walkways to the dock or wharf shall be not more than 5 feet wide. Covered storage facilities shall not extend more than 10 feet above water level and shall be designed and painted to blend into the natural environment as much as possible. (5/98)
- Q. Comply with the floodplain or floodway development requirements of this Ordinance. (5/98)

2.123.07 Notice of Decision

Notice of Decision approving conditional uses in the Greenway Management Overlay Zone shall be sent to the Division of Parks and Recreation in the same manner as required in Section 3.204, except notice shall be provided by certified mail. (5/98)

2.408 BED AND BREAKFAST ESTABLISHMENT

Where permitted as a special use, Bed and Breakfast establishments shall meet the following use and development standards. (5/98)

- A. Location and Access. The property containing a bed and breakfast establishment shall front a designated collector or arterial street. Access to the property shall be limited to the designated collector or arterial. Alternatively, the establishment may be located within any dwelling designated as a historical ~~site resource~~. in the Comprehensive Plan. (5/98)
- B. Rooms. The maximum number of guest rooms shall be 4 for homes within the RS zone and 6 for homes in other zones. (5/98)
- C. Owner Occupancy. The property owner or manager shall reside on the property. (5/98)
- D. Signs. Signs shall comply with provisions in Section 2.308. (5/98)
- E. Parking. Off-street parking for the guest rooms shall be screened from the street and adjacent property by a 6 foot high sight-obscuring fence or hedge. (5/98)

2.431 NURSING AND PERSONAL CARE FACILITIES

2.431.01 Overview

Residential Care Facilities that are over 15 residents, or uses that are listed in SIC 805 (Nursing and Personal Care Facilities) are uses that provide limited medical care, nursing and personal care where the patients reside at the facility. An application to place this type of facility is processed as a conditional use permit, however the application shall be reviewed directly by the Planning Commission. (06/11)

2.431.02 Review Procedure

The procedure for approving a Conditional Use Permit for these types of uses is set forth in Section 3.101.03(B). The application is a Type II – **CB** action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (06/11)

2.431.03 Submittal Requirements

The applicant shall submit evidence addressing the criteria set forth below in addition to the requirements in Section 3.103, and all other submittal requirements as outlined in Section 3.201. (06/11)

2.431.04 Criteria

Where permitted as a conditional use, in addition to the requirements in Section 3.103, shall meet the following criteria: (06/11)

- A. Need for the facility at the proposed location shall be identified. (06/11)
- B. If determined, as noted in Section 2.301, to be warranted a traffic impact analysis shall be provided and proposed measure(s) to mitigate any impact(s) on surrounding properties and streets shall be identified. (06/11)
- C. A facility shall have access provided to an arterial street. (06/11)
- D. As conditioned, the facility will not unreasonably impact existing or planned uses in the neighborhood of the subject property. (06/11)
- E. A facility will be required to provide adequate buffering and screening to mitigate any impacts on adjacent properties. (6/11)

The Planning Commission has the authority to determine whether the application satisfies the applicable criteria. An application may be approved, approved with conditions, or denied. (6/11)

2.432 COTTAGE CLUSTER DEVELOPMENT

2.432.01 Purpose and Design Principles

This Section establishes standards for cottage cluster development as an alternative development type that provides usable common open space in residential development; allows for a variety of housing types both detached as well as attached; promotes interaction and safety through design; ensures compatibility with surrounding neighborhoods; and provide opportunities for creative infill development. It is intended to be a flexible development alternative similar to the planned unit development alternative whereby many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features. Successful cottage cluster development projects can foster community and ensure a balance between privacy, security and neighborhood interactions through careful consideration of the following design principles: (6/14)

- A. Shared Open Space and Active Commons. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight, thereby enhancing a sense of security and identity. (6/14)
- B. Common Buildings. An advantage of living in a cottage development is being able to have shared buildings such as a tool shed, outdoor barbeque, or picnic shelter or a multipurpose room. (6/14)
- C. Adequate Parking that does not dominate. Parking areas should be screened from adjacent parcels and adjoining public streets. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes. (6/14)
- D. Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space are important to creating strong community connections. (6/14)
- E. Smaller, High-Quality, Well-Designed Dwellings. Smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood.(6/14)

2.432.02 Permitted Building Types Within Cottage Cluster Developments

- A. Cottage cluster development cottages (Section 2.432.04.A). (6/14)
- B. Two-unit structures (Section 2.432.04.B). (6/14)
- C. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use (Section 2.432.04.C). (6/14)
- D. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.D). (6/14)
- E. Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking and storage buildings. However, they shall not be permitted within common area. (6/14)

2.432.03 Site Requirements

- A. Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.
- B. Development Standards
 - 1. Parent parcel. The parent parcel, which shall encompass the entire cottage cluster development, shall be at least 30,000 square feet. The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city's regulations. (6/14)
 - 2. Cottage lots. There is no minimum lot size for the individual cottage lots.
 - 3. Density. The standards from the base zone shall apply. (6/14)
 - 4. Average Minimum Lot Width and Depth. There is no minimum lot width or depth for the individual cottage lots. (6/14)
 - 5. Maximum Lot Coverage. There is no maximum lot coverage for the individual cottage lots. (6/14)
 - 6. Maximum Height. Twenty-five (25) feet. (6/14)

7. Minimum Setbacks (6/14)

Table 2.432-1(6/14)

SETBACKS	
Front	15 feet
Side	5 feet
Rear	10 feet
Street-side	10 feet
Garage entrance	20 feet

*Interior units on a common lot or separate lots shall be spaced at least 10 feet apart. If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy. (6/14)

8. Minimum Landscape Requirement. The standards from the base zone shall apply. (6/14)

C. Lot/cottage arrangement (6/14)

1. Cottage cluster developments shall contain a minimum of four cottages and no more than allowed in the underlying zone by density. (6/14)
2. Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space. (6/14)
3. Units along the public right-of-way should have their primary entrance facing the public right-of-way. (6/14)
4. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development. (6/14)

D. Private and common space. (6/14)

1. Common Space. (6/14)
 - a Common space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of common open space per unit shall be provided. (6/14)
 - b The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area. (6/14)
2. Private Space. (6/14)
 - a A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit. (6/14)

E. Frontage, access, parking, and vehicular circulation. (6/14)

1. Frontage. The parent parcel shall have frontage on a public street. (6/14)
2. If individual lots are created within the development, each lot shall abut a common area, but is not required to have public street frontage. (6/14)
3. Access. Access to individual dwelling units will be provided meeting city and fire district standards. (6/14)
4. Parking. A minimum of two off street parking spaces per unit shall be provided. (6/14)
5. Parking and/or garage structures shall be located behind or to the side of the residential area and open space. (6/14)
6. Parking areas, shared parking structures, and garages shall be screened from public streets by landscaping or architectural screening. (6/14)
7. If the property has frontage on a public alley, access and parking may be provided from the alley. (6/14)
8. If individual lots are created, parking and access shall be provided in a common area with access easement. (6/14)

F. Screening and Landscaping. (6/14)

To ensure that cottage developments do not create adverse visual impacts for residents of both the cottage development and adjacent properties the following requirements shall be adhered to: (6/14)

1. Where feasible, cottage developments should be designed to retain existing significant trees (at least twelve inches in diameter) that do not pose a safety hazard. (6/14)
2. Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. (6/14)
3. Landscaping Plan to be submitted and approved. Boundaries between cottage developments and neighboring properties shall be screened with landscaping and fencing as identified in 2.432.03.G.2 in order to reduce the appearance of bulk or intrusion onto adjacent properties or may be otherwise treated through increased building setbacks or architectural techniques to meet the intent of this section. (6/14)

Additional screening and buffering may be required to help mitigate any compatibility issues between the cottage cluster development and adjacent properties. (6/14)

G. Fences. (6/14)

1. No fence taller than 3 feet in height shall be located between the front wall of a cottage or community building and the common open space. (6/14)
2. A 6 foot high sight obscuring fence shall be placed along the property line adjacent to any residential single family use. (6/14)

H. Utilities. (6/14)

1. Streets. Street improvements shall be required for all cottage cluster developments that contain 4 or more dwelling units. Street improvements may include street widening, curb, gutters, and sidewalks. All street improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)
2. Water. An individual water meter servicing each dwelling unit will be required unless there is an ownership association or the property is under a single ownership in which case a single water meter servicing an individual building of multiple units is allowed. All water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)
3. Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots. All sanitary sewer design and construction shall comply with the standards of the City of Salem. (6/14)
4. Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or extended in a utility easement to individual lots. (6/14)
5. Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation. In addition, a trash and recycling plan will be required. (6/14)
6. Mailboxes. Mailboxes are subject to post office requirements. (6/14)
7. Storm water. The development of the property shall comply with all city regulations regarding storm water drainage including on-site detention and water quality requirements. All storm water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)

- I. Addressing. All units within the cottage cluster development shall be addressed consistent with city standards. (6/14)

2.432.04 Building Requirements

- A. Cottages. (6/14)
 1. Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. An attached one-car garage is not included in this maximum, but shall not exceed 300 square feet per unit. (6/14)
 2. Porches. Attached, covered porches are required and shall have minimum depth of 6 feet and shall be a significant feature of the structure. (6/14)
 3. Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. Cottage development structures shall provide for substantial exterior architectural elements that are consistent with traditional northwest cottage design and small home craftsmanship design elements. Roofs of cottage developments shall have eaves to efficiently shed rain and provide protection for exterior walls. (6/14)
 4. Height. Cottages shall comply with the height limitation of 25 feet and are limited to a maximum of single story plus a loft. (6/14)
 5. Street facing facades. The street facing facades of cottages in a cottage development shall avoid blank walls that appear to “turn their backs” to the street. This shall be avoided by providing design features such as windows, change in building material, entryway, porches or other design features. (6/14)
- B. Two-Unit Structures in RS zone. (6/14)
 1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages. (6/14)
 2. Attached two-unit structures shall have one primary shared entry facing the common open space. (6/14)
- C. More than two-units structures in other zones. (6/14)
 1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages. (6/14)
 2. Attached structures with more than two units shall have one primary shared entry facing the common open space. (6/14)

- D. Community Buildings. (6/14)
1. Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. (6/14)
 2. A community building shall be of similar scale, design, and height as the cottages. (6/14)
 3. Commercial uses are prohibited in the community building. (6/14)
- E. Accessory Structures. (6/14)
1. Accessory structures such as garages, carports, storage or tool sheds shall not exceed 300 square feet per unit, or 600 square feet per accessory structure that is shared by two or more dwelling units. (6/14)
 2. The design of accessory structures must be similar or compatible with that of the cottages in the development. (6/14)
- F. Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased. (6/14)
- G. Renovation and Expansion. (6/14)
1. Renovations shall be in keeping with the size and architectural character of the new development. (6/14)
 2. A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this Section shall be recorded against the property. (6/14)

2.432.05 Submittal Requirements

- A. Application Process. Applications for all cottage cluster development, with or without the creation of any lots shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section. (6/14)
- B. Submittal Material. The following submittal requirements shall apply to all applications for a cottage cluster development. (6/14)
1. All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (6/14)

2. Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (6/14)
- a. Appropriate identification stating the drawing is a preliminary plan. (6/14)
 - b. North point, scale and date. (6/14)
 - c. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (6/14)
 - d. Assessor Map and tax lot number of subject property. (6/14)
 - e. The property lines and approximate area of the subject property. (6/14)
 - f. Dimensions and size in square feet or acres of all proposed parcels. (6/14)
 - g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (6/14)
 - h. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application. (6/14)
 - i. Name of the proposed cottage cluster development. (6/14)
 - j. Date the drawing was produced. (6/14)
 - k. Vicinity sketch showing location of the proposed land division. (6/14)
 - l. Identification of each lot or parcel and block by number. (6/14)
 - m. Gross acreage of property being subdivided or partitioned. (6/14)
 - n. Direction of drainage and approximate grade of abutting streets. (6/14)
 - o. Streets proposed and their names, approximate grade, and radius of curves. (6/14)
 - p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (6/14)
 - q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (6/14)

- r. All areas to be offered for public dedication. (6/14)
 - s. Elevations of buildings showing materials, colors and design of buildings to be constructed and how they will be compatible with adjacent residences. (6/14)
- C. Supplemental Information. The following supplemental information shall be required for all applications: (6/14)
 - 1. Calculations justifying the proposed density of development. (6/14)
 - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (6/14)
 - 3. The approximate location and dimensions of all structures proposed to be located on the site. (6/14)
 - 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and the proposed timing for such improvements. (6/14)
 - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (6/14)
 - 6. Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code. (6/14)

2.432.06 Review Procedures

- A. Cottage cluster development in RM, RL, RH, and MU zones without creating any new lots is subject to meeting the standards in Section 2.432. Cottage cluster development proposals in the RM, RL, RH, and MU zones that propose to create new lots is subject to the approval of a conditional use permit as a Type II-~~B-C~~ review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures. (6/14)
- B. Cottage cluster development proposals in the RS zone is subject to the approval of a conditional use permit as a Type II-~~B-C~~ review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures. (6/14)
- C. The creation of individual lots does not require the submittal of a concurrent subdivision (or partition) application as specified in Section 3.108 as the division of land as part of the cottage cluster development process is

considered to be a separate land use process but must still comply with all applicable platting procedures. (6/14)

- D. All cottage cluster development proposals in RM, RL, RH, and MU zones not dividing land shall be consistent with the Special Use requirements outlined in this Section. (6/14)
- E. All cottage cluster developments which seek to create lots in any zone which a cottage cluster development is permitted, or a cottage cluster development proposal in an RS zone (with or without the creation of any lots) shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.202.04. (6/14)
- F. Time Limit. Approvals of any preliminary plans for a cottage cluster development shall be valid for one year after the date of the written decision. A Final Plat shall be recorded within this time period or the approvals shall lapse. (6/14)
- G. Time Extension. The City staff may extend the approval period for a cottage cluster development for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing at least thirty days prior to the expiration date of the approval period. (6/14)
- H. Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect. (6/14)

2.432.07 Approval Criteria

In addition to the criteria within Section 3.103.03 cottage cluster developments with the creation of lots in the RM, RL, RH, or MU zone, or for a proposal in an RS zone regardless if any lots are created the following criteria apply: (6/14)

- A. The application complies, or can be made to comply with all applicable standards for cottage cluster development. The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (6/14)
- B. Whether or not lots are created as part of the cottage cluster development, all provisions of the KDC pertaining to frontage improvements along any public street frontage shall apply. Improvements within the cottage development shall be as specified in this Section. (6/14)
- C. The proposal complies with the density provisions of the underlying zone.

- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (6/14)
- E. Each parcel shall comply with the applicable requirements, depending on the appropriate land use category in Table 2.301.03, within Sections 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and, 2.316 (Infill Development). (6/14)
- F. Adequate public facilities shall be available to serve the existing and newly created parcels. (6/14)

2.432.08 Improvement Requirements

All improvements required as part of a cottage cluster development application shall be done in accordance with the relevant sections of the Keizer Development Code. (6/14)

2.432.09 Process for Final Plat Approval

- A. Survey. Within 1 year of the final decision approving a plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. A one-time one year extension may be granted by the Community Development Director provided that no code revisions have been adopted by City Council that might otherwise affect the partition as proposed. Applicant shall submit written extension request at least thirty days prior to expiration of decision. (6/14)
- B. Final Approval. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat by signing the final plat. (6/14)
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor. (6/14)
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B. (6/14)
- E. Owners Association. Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. (6/14)

1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat. (6/14)
 2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. (6/14)
 3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review. (6/14)
 4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat. (6/14)
- F. Names. All plat names shall conform to ORS 92.090. (6/14)
- G. Filing Final Plat. The final plat shall be filed with the Marion County Clerk's Office. (6/14)

3.101 SUMMARY OF APPLICATION TYPES

There are four types of development permits and land use actions, each with its own procedures as found in Chapter 3.2. (5/98)

3.101.01 Type I Action - Summary

Type I actions are administrative reviews processed by the City staff according to the procedures found in Section 3.202.01, 02 & 03. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into four parts: (3/10)

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. Conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer. The following actions are processed under the Type I-A procedure: (2/01)
 - 1. Signs (excluding variances or conditional uses) (5/98)
 - 2. Temporary Use Permit (3/10)
- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Hearings Officer. The Zoning Administrator may refer any application to the Hearings Officer or the City Council for public hearing and decision. The following actions are processed under the Type I-B procedure: (5/98)
 - 1. Variance (Minor and Sign) (Ord 2005-533 11/2005)
 - 2. Property Line Adjustment (6/16)
 - 3. Conditional Use (except Transit Station) (05/09)
 - 4. Partitions (5/98)
 - 5. Greenway Development Permit (2/01)
 - 6. Floodplain Development Permit (including Floodplain Development Permit Variance) (3/10)
- C. Type I-C: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant. Appeal is to the Planning Commission. Notice is sent to property owners within the required notice area for public hearing. The Zoning Administrator may refer any application to the Planning Commission or the City Council for public hearing

and decision. The following action is processed under the Type I-C procedure:

1. Development Review (2/01)
 2. Alternative Design Review for Accessory Residential Housing (Front Yard) (6/15)
- D. Type I-D: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The Zoning Administrator may refer any application to the Planning Commission or City Council for public hearing and decision. The following actions are processed under the Type I-D procedure: (07/07/03)
1. Variance (Major) (07/03)

3.101.02 Type II Actions - Summary

- A. A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (2/01)
1. Subdivision (5/98)
 2. Planned Unit Development (5/98)
 3. Manufactured Home Parks (5/98)
- B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (2/03)
1. Transit Station (5/09)
 - 1.2. Designation or Removal of a Historic Resource

C. Type II-BC: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-BC actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Planning Commission shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-BC procedure: (06/11)

1. Nursing and Residential Care Facilities (06/11)
2. Cottage Cluster Developments with the creation of lots (6/14)
3. Cottage Cluster Developments with or without the creation of lots in an RS zone. (6/14)

4. Permit for demolition, modification, or moving of a Historic Resource

3.101.03 Type III Actions - Summary

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. A Type III action follows the procedures found in Section 3.202.04. Staff and the Hearings Officer have advisory roles for Comprehensive Plan Map Amendments and Zone Changes. Staff and Planning Commission have advisory roles for Annexations. Public notice is provided and public hearings are held before the Hearings Officer, Planning Commission and City Council as determined by the application. Section 3.204 lists the notice requirements. In addition to applications by private parties, the City Council, by resolution, may initiate a Type III action. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure: (2/01)

- A. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships) (5/98)
- B. Zone Changes (involving 5 or fewer adjacent land ownerships) (5/98)
- C. Annexation (5/98)
- D. Keizer Station Master Plans which may include Subdivision and Partitioning (4/10)

3.101.04 Type IV Actions - Summary

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. A Type IV action follows the procedures found in Section 3.203. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure: (2/01)

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)
- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

LAND USE APPLICATION PROCESS (6/16)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Signs, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Floodplain Development Permit (including Floodplain Development Permit Variances) (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) (05/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Property Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Transit Station (05/09)	II-B	Recommendation to City Council			Final Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
<u>Designation or Removal of a Historic Resource</u>	<u>II-B</u>	<u>Recommendation to City Council</u>			<u>Final Decision</u>
Nursing and Residential Care Facilities (06/11)	II- <u>BC</u>	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Cottage Cluster Development as a Conditional Use (6/14)	II- <u>BC</u>	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
<u>Permit for demolition, modification, or moving of a Historic Resource</u>	<u>II-C</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Plan Comm Decision</u>
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Alternative Design Review for Accessory Residential Housing (Front Yard) (6/15)	I-C	Recommendation to Planning Commission		Final Decision	Appeal of Planning Commission Decision
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Review	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

3.112 ANNEXATIONS

3.112.01 Authority of City to Annex

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the urban growth boundary and contiguous to the City or separated from it by a stream or right-of-way only or is consistent with Marion County Comprehensive Plan Policies and applicable state regulations. (06/10)

3.112.02 General Annexation Procedure

- A. Public Hearing. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing with the Planning Commission. Notice shall be pursuant to the proposed method of annexation. (5/98)
- B. Planning Commission Action. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will: (06/10)
 - 1. Affect the community's air resources; (5/98)
 - 2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands; (5/98)
 - 3. Relate to areas with natural hazards; (5/98)
 - 4. Affect the fish and wildlife in the proposed annexation; (5/98)
 - 5. Utilize energy resources and conserve energy use; (5/98)
 - 6. Protect open spaces and scenic views and areas; (5/98)
 - 7. Provide for transportation needs in a safe, orderly and economic manner; (5/98)
 - 8. Provide for an orderly and efficient arrangement of public services; (5/98)
 - 9. Provide for the recreation needs of the citizens; (5/98)
 - 10. Affect identified historical ~~sites and structures~~ resources and provide for the preservation of such ~~sites and structures~~ resources; (5/98)
 - 11. Improve and enhance the economy of the City; and

12. Provide quality, safe housing through a variety of housing types and price ranges. (5/98)

- C. City Council Action. The City shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in 3.112.02 (B). (5/98)

3.112.03 Annexation by Election

- A. Election Process. The Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS. 222.850 to 222.915, or to dispense with submitting the proposal for annexation to the registered voters of the City. (2/01)
- B. General or Special Election. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more that twelve months apart. (5/98)
- C. Multiple Annexations. Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot. (5/98)
- D. Notice. The Council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if

any polling place is to be different that the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different. (5/98)

3.112.04 Annexation Procedure Without City Election

- A. Council Hearing. By ordinance, the Council may elect to conduct a hearing on the annexation and set a date for a public hearing, at which time the registered voters of the City can be heard on the annexation proposal. (5/98)
- B. Published Notice. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period. (5/98)
- C. Written Notice. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation. (5/98)
- D. Public Hearing. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 3.200. (2/01)

3.112.05 Annexation Procedure with Election in Proposed Territory

Property Owner Petition. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day: (5/98)

- A. The public hearing procedure shall be pursuant to Subsections 3.112.02 (A) and (B); and Subsections 3.112.04 (B), and (C). If the Council dispenses with submitting the question to the registered voters of the City; or (5/98)
- B. The Council takes the necessary action to call the annexation election in the City under Subsection 3.112.03 (D), if the Council submits the question to the registered voters of the City. (5/98)

3.112.06 Island Annexation

- A. City Council Authority. It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the

City, with or without consent of any property owner or resident in the territory.
(5/98)

- B. Notice and Procedures. Notice and procedures for public hearing without election shall be provided pursuant to the provisions of Section 3.112.02 and 3.112.04. Notice and procedures by election shall be provided pursuant to Section 3.112.03. & 3.112.05 (2/01)

3.112.07 Submission of Annexation Reports

- A. Notice to County. The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines. (5/98)
- B. Notice to State. With the exception of "Island Annexation" the City Recorder shall submit to the Secretary of State: (5/98)
1. A copy of the annexation ordinance; (5/98)
 2. An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexation; (5/98)
 3. A copy of the statement of consent of landowners in the territory annexed; (5/98)
 4. A copy of the ordinance of the City declaring that no election is required in the City; and (5/98)
 5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance. (5/98)

3.112.08 Effective Date of Annexation

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and Subsection 3.112.07 (B). Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing. (5/98)

3.112.09 Zone Designation of Annexed Property

The City Council shall establish the appropriate Comprehensive plan designation and Zoning district upon annexation of the property to the City. (5/98)

3.202 GENERAL PROCEDURES – TYPES I, II, AND III ACTIONS

3.202.01 Procedure for Type I-A Review

(Type 1-A: Temporary Use Permit, Signs excluding variances or conditional uses)
(3/10)

Applications subject to a Type I-A administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of processing the application and all related timing provisions either:
(5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (5/98)
- D. Conditions. Approvals of a Type I-A action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
(2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)

2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (5/98)
- F. Appeals. A Type I-A land use decision may be appealed by the applicant to the Hearings Officer, except that Site plan Reviews shall be appealed to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.02 Procedure for Type I-B and I-D Review

(Type I-B: Minor Variance, Property Line Adjustment, Conditional Use, Partition, Greenway Development Permit, Floodplain Development Permit, including Floodplain Development Permit Variances) (Type I-D Major Variance) (6/16)

Applications subject to administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (7/03)
 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies at the Director's option. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (6/14)

- D. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; The Administrator shall have the option of referring a type I-B application to the Hearings Officer or City Council for the initial decision. The Administrator shall have the option of referring a type I-D application to the Planning Commission or City Council for the initial decision. (7/03)
- E. Conditions. Approvals of a Type I-B and I-D action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (7/03)
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 3. Performance bonding to comply with applicable conditions of approval shall comply with the provisions in Section 3.202.05B. (2/01)
- F. Notice. Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)
- G. Appeals. A Type I-B land use decision may be appealed to the Hearings Officer, by either the applicant or persons receiving notice of the decision. A Type I-D land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. (7/03)
- The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- H. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (5/98)
- I. Expedited Land Division. If qualified under ORS 197, an expedited land division provides an alternative to the standard review procedures for land division as set forth by the city. The application shall be processed as provided by state statute in lieu of the city's procedures. (6/16)

3.202.03 Procedure for Type I-C Review

- A. Initial Review. Upon receipt of an application for a Type I-C land use action, the City staff shall review the application for completeness. (2/01)
 - 1. Incomplete applications shall not be scheduled for Type I-C review until all required information has been submitted by the applicant. (2/01)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (2/01)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: processing the application and all related timing provisions either: (2/01)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (2/01)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (2/01)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (2/01)
- D. Conditions. Approvals of a Type I-C action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
 - 2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (2/01)
- F. Appeals. A Type I-C land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (2/01)

- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.04 Procedures for Type II and Type III Actions

(Type II Subdivision, Planned Unit Development and Manufactured Home Parks) (4/10)
(Type II-~~CB~~ Conditional Use for Nursing and Residential Care Facilities - Planning Commission decision) (6/11)

(Type II-B Transit Station – City Council decision) (6/11)

[\(Type II-B Designation or Removal of a Historic Resource – City Council Decision\)](#)

(Type II-~~BC~~ Cottage Cluster Development with or without creating new lots in the RS zone – Planning Commission decision) (6/14)

(Type II-~~B-C~~ Cottage Cluster Development creating new lots in the RM; RL; RH; and MU zones – Planning Commission decision) (6/14)

[\(Type II-C Permit for demolition, modification, or moving of a Historic Resource – Planning Commission Decision\)](#)

(Type III Annexation, Zone Changes involving 5 or fewer adjacent land ownership and Comprehensive plan Map Amendments involving 5 or fewer adjacent land ownerships, and Keizer Station Master Plan Review which may include Subdivision and Partitioning) (4/10)

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)
- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire districts, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of Environmental Quality, The Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state

transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (6/14)

- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)
- E. Staff Review. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties. The Zoning Administrator may refer the initial decision to the City Council. (5/98)
- F. Notice of Application. Notice of a subdivision application shall be mailed to owners of property within 250 feet of the site and neighborhood association representatives. The notice to owners and neighborhood association members will invite the submittal of written comments on the proposal to the City within 10 days. (01/02)
- G. Hearings Procedures. The public hearing shall comply with the provisions in Section 3.205 or Section 3.206. (06/11)
- H. Conditions. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (5/98)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (5/98)
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or, (5/98)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 - 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 - 3. Performance bonding for applicable conditions shall comply with the provisions in Section 3.202.05B. (2/01)
- I. Notice. The applicant shall be notified, in writing, of the decision or recommendation. In addition, notice of the decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing. (06/11)

- J. Appeals. With the exception of a conditional use for a Transit Station, which is a final decision by the City Council, a Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Administrator. The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council. (06/11)
- K. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (2/01)
- L. Expedited Land Division. If qualified under ORS 197, an expedited land division provides an alternative to the standard review procedures for land division as set forth by the city. The application shall be processed as provided by state statute in lieu of the city's procedures. (6/16)

3.202.05 Special Procedural Requirements

A. 120 Day Time Limit

If for any reason it appears that such final action may not be completed within the 120 day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance. (5/98)

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period. (5/98)
2. Public notice shall be mailed to affected parties as specified in Section 3.204.02. (5/98)
3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application. (5/98)

B. Performance and Maintenance Bonding (2/01)

Conditions of approval required by the City shall be completed prior to the issuance of any building permit within a residential subdivision or partitioning, or an occupancy permit for any other use. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions. (2/01)

1. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Keizer, cash, certified check, time certificate of deposit, or other form acceptable to the City. The City Attorney must approve the form and appropriate documents filed with the City Recorder. Agreements may be recorded to restrict building permits. (2/01)
2. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance. (5/98)
3. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. The Administrator may extend this time limit for up to one additional year. (2/01)
4. Maintenance Bonds for public improvements of 40% of the total cost of improvements is required for one year warranty. (2/01)

district requirements. The city's one parcel that is designated EFU should be evaluated to determine whether this zone designation is still appropriate or whether it should be re-designated to a more appropriate residential land designation. (2013)

c. Natural Resources and Open Space Policies

- 1) Protect and preserve open space areas along the Willamette River and Claggett Creek, in public parks and school grounds. A change in the zoning of these areas shall be reviewed to evaluate the effects of such change. Develop strategies to improve existing and future parks along the river to maximize access to the river without impacting riparian areas or water quality (2014)
- 2) Protect and manage identified significant wildlife habitats that may be identified in the future in accordance with the State Wildlife Management practices.
- 3) It is the intent of the City of Keizer that Labish Ditch and Claggett Creek shall be protected. Protect the riparian vegetation adjacent to Claggett Creek, Labish Ditch, and the Willamette River from development impacts through the flood plain ordinance, Discharge Ordinance, Erosion Control Ordinance, and other conservation area policies. (2014)
- 4) Protect, preserve and maintain waterways as scenic, recreational and natural resources as required under the NPDES permit and TMDL Implementation Plan. Access to waterways for maintenance purposes should be allowed and implemented in a water quality minded manner. (2014)
- 5) Prohibit filling of natural drainage courses. (2014)
- 6) The city shall revise park and recreational plans to meet the increased recreational needs created by infill and redevelopment and shall implement the necessary process to meet the current and future needs of the city. (2013)

d. Historic and Cultural Resources Policies

- 1) Protect and encourage the preservation of cultural and historic resources that may be identified in the future.
- 2) Develop an inventory and analysis of historic and culturally significant resources within the city. (2013)
- 3) Ensure the preservation of officially listed historical ~~sites and structures~~ resources by criteria contained in Historical ~~Landmark Overlay Zone~~ Resources chapter of the Keizer Development Code. (2013)

TO: PLANNING COMMISSION
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, SENIOR PLANNER

DATE: May 2, 2018

SUBJECT: Proposed text amendments to Section 2.127 (Historic Landmark Overlay Zone) to clarify requirements for property owner consent.

ATTACHMENTS:

- **Section 2.127 (Historic Resources) – draft**
- **“Planning for Historic Preservation in Oregon”**

DISCUSSION:

The Historical Landmark Overlay Zone (Section 2.127) of the Keizer Development Code governs the process of designating historic landmarks and districts within Keizer. While there are no current “districts” or “landmarks” that have been officially designated in Keizer to date, the section of the Keizer Development Code allows for both the designation process, as well as provides for protections and appropriate review procedures for historic landmarks or districts that have been designated. The proposed text amendment will modify the title of the existing section 2.127, renaming it as “Historic Resources”. This will more accurately reflect the intention of this section, and recognizes the City’s lack of historic districts, while preserving opportunities for designation and protection of individual historic resources.

Recent rule changes to the Oregon Administrative Rules (660, div 23) were adopted to provide clarity for the implementation of Statewide Planning Goal 5, “Natural Resources, Scenic and Historic Areas, and Open Spaces,” relating specifically to historic resource sites. I have included a document (Planning for Historic Preservation in Oregon) for reference which explains some of the history and process surrounding Goal 5 and the recent changes to the Administrative which is ultimately what is driving this proposed text amendment.

The proposed text amendments will:

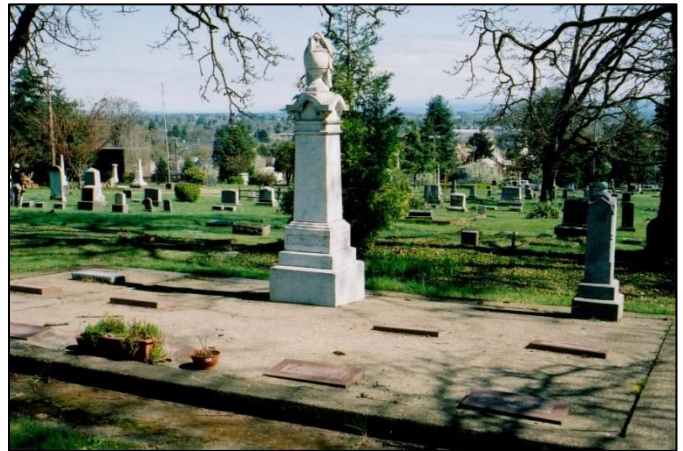
- Clarify the process and criteria for designating and regulating historic resources within the City of Keizer.
- Clarify the owner consent requirements as required by OAR 660.
- Create provisions for protecting and regulating National Register Resources as required by OAR 660.

It should further be noted that some additional text changes may be needed in order to align these changes with other sections of the KDC.

RECOMMENDATION:

That Planning Commission considers the proposal and recommends approval to the City Council, including any additional text changes identified.

PLANNING FOR HISTORIC PRESERVATION IN OREGON



**A Guide to the Administrative Rule for Protecting Historic
Resources under Statewide Planning Goal 5**

February 2018

Staff from the Department of Land Conservation and Development and the Oregon Parks and Recreation Department, State Historic Preservation Office, contributed to this guide.

All photos are courtesy of Oregon Parks and Recreation Department, State Historic Preservation Office. Clockwise from upper right:

Egyptian Theatre, Coos Bay
Salem Pioneer Cemetery, Salem
Paul Bunyan Statue, Portland



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INTRODUCTION

Oregon's historic places connect us to our past by creating physical continuity through generations and space for public conversations about our values and identity. Economic development rooted in a community's unique character creates not just memorable, livable spaces and authentic experiences, but also jobs and tax revenue. Over 50 Oregon communities have leveraged their historic resources by establishing a local preservation program. To be successful, the ongoing process of identifying and interpreting a community's historic places must be a local one, driven by inclusive public participation. This guide describes that process under Oregon's Goal 5 rule.

Oregon's Statewide Planning Goals

The Oregon Land Conservation and Development Commission (LCDC) is charged by the Oregon Legislature with adopting, maintaining, and enforcing statewide planning goals to carry out the land use policies of the state. The first 14 planning goals adopted by LCDC became effective January 25, 1975. Goal 5 said that it is state policy: "To protect natural resources and conserve scenic and historic areas and open spaces." That goal has remained unchanged, although the specifics regarding how to achieve that goal have evolved.

Administrative Rules

LCDC has authority to adopt rules to implement the goals. The rules – called "Oregon Administrative Rules," and identified as "OAR" – provide authority and requirements for local government (i.e., city and county) comprehensive plans and zoning ordinances for a wide range of land use matters. The "Goal 5 rules" provide the requirements for protecting natural resources, scenic and historic areas, and open spaces. The original rules, in OAR chapter 660, division 16 (adopted in 1981) provided procedures that applied to local government planning and zoning for the full range of resources covered by Goal 5.

LCDC replaced most of division 16 with OAR chapter 660, division 23 in 1996, but this structure laid out in division 16 was largely maintained in division 23:

Definition

"Inventory" is a survey, map, or description of one or more resource sites that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the resource values and features associated with such sites. As a verb, "inventory" means to collect, prepare, compile, or refine information about one or more resource sites. (See resource list.) (OAR 660-023-0010(4))

1. Identify (inventory) the locations where the resource exists
2. Decide whether the resource values inherent in the resource warrant protection through comprehensive plan policies and zoning regulations (determine significance)
3. Identify what other permitted uses could lead to degradation of the significant resource (identify conflicting uses)
4. Balance the economic, social, environmental, and energy (ESEE) consequences of protecting the significant resource versus allowing the conflicting use(s), and
5. Decide whether and how to protect the resource, and place the outcome (the program to achieve the goal) in the comprehensive plan and implementing regulations

Definition

"Program" or "program to achieve the goal" is a plan or course of proceedings and action either to prohibit, limit, or allow uses that conflict with significant Goal 5 resources, adopted as part of the comprehensive plan and land use regulations (e.g., zoning standards, easements, cluster developments, preferential assessments, or acquisition of land or development rights). (OAR 660-023-0010(6))

The 1981 rules provided one decision-making structure for all Goal 5 resources, while the 1996 rules provided more-specific guidance and regulation tailored to the individual categories of resources (*e.g.*, wetlands, mineral and aggregate, historic resources).

Historic Resources Rule

The historic resources rule – OAR 660-023-0200 (Appendix A) – includes procedural requirements for considering whether and how to protect historic resources. The rule recognizes that "conflicting uses" (step 3 in the previous section) in the context of historic resources are comprised exclusively of proposals to demolish, relocate, or alter

the resource – not activities on surrounding properties. The conflicting-use identification and balancing of ESEE consequences steps are therefore not required. Local jurisdictions may choose to regulate activities on surrounding properties to protect historic resources, but the rule does not require it.

A local government's historic preservation ordinance (the "program to achieve the goal") is not expected to be customized for individual sites or

historic districts, but, again, jurisdictions may choose to do so. A local government may establish its historic preservation ordinance any time during development of its historic protection plan element (although early in the process is encouraged). The rule does not prescribe any particular outcome for any resource – whether and how to protect is up to the local government.

The 1996 rule for historic resources made protection of most historic resources voluntary for local governments. The rule did not require a historic resource inventory. If a city or county chose to inventory historic resources, it was encouraged by the rule to complete the significance determination, and, if significant resources were identified, designation of the resource for protection was encouraged. There were two exceptions to this general scheme.

First, a property owner was allowed to prevent its property from being designated for protection. Consequently, a local government may have been precluded from protecting a significant historic resource if the property owner withheld consent.



Antelope Creek Covered Bridge, Jackson County

Second, LCDC found that it was in the state's interest to protect all historic resources listed by the National Park Service in the National Register of Historic Places. Therefore, a component of rule was not voluntary.

2017 Rule Amendments

After 20 years of experience with division 23, LCDC identified a need to update the rule to make it more clear and useable. The policies underpinning the 1996 rule (*e.g.*, voluntary application except for National Register resources; suggested rather than required criteria) remain largely unchanged. The updates include new and amended definitions, clearer distinction between procedural steps, and more detail regarding review of applications to demolish or relocate National Register resources. Some procedural requirements have been added or removed. Unclear sections have been clarified. The entire rule is included in Appendix A.

The remaining sections of this guide explain the rule as amended in 2017 and how LCDC intends for it to operate. Rather than proceeding sequentially through the rule, the guide provides direction on how to navigate the rule depending on what the local government is trying to accomplish. Appendix C provides a chart of the process.

Please pay particular attention to the section “Protecting National Register Resources” (page 14). It includes provisions that are directly applicable to local land use decisions, so a local government must comply with those parts of the rule regardless of what its regulations provide.

Using this Guide

The following chapter, “Protecting Locally Identified Historic Resources,” explains the Goal 5 process as it applies to resources identified by a local government as historic. It provides requirements and guidance to assist local governments as they decide whether and how to protect their historic assets.



Dee Wright Observatory, McKenzie Highway, Deschutes County

The chapter “Removing a Resource from the Resource List” also applies to locally identified historic resources and not to those resources listed on the National Register of Historic Places. Federal regulations control removal of a resource from the National Register.

The “Protecting National Register Resources” chapter explains the administrative rule requirements for local protection of resources listed in the National Register of

Historic Places. The Goal 5 process for these resources is significantly different than that for locally identified resources.

PROTECTING LOCALLY IDENTIFIED HISTORIC RESOURCES

As stated in the introduction, protecting most historic resources is voluntary for local governments. This is made clear in OAR 660-023-0200(2)(a):

Local governments are not required to amend acknowledged plans or land use regulations in order to provide new or amended inventories, resource lists or programs regarding historic resources, except as specified in section (8) [for National Register resources]. Local governments are encouraged to inventory and designate historic resources and must adopt historic preservation regulations to protect significant historic resources.

Definition

“Resource list” includes the description, maps, and other information about significant Goal 5 resource sites within a jurisdiction, adopted by a local government as a part of the comprehensive plan or as a land use regulation. (OAR 660-023-0010(9))

If a city or county chooses to protect its historic resources, it must do so in conformity with the rule, as provided in OAR 660-023-0200(2)(b):

The requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, in conjunction with the requirements of the Historic Resources rule, apply when a local government chooses to amend acknowledged historic preservation plans and regulations.

Definition

“Historic preservation plan” is an element of a comprehensive plan that contains the local government’s goals and policies for historic resource preservation and the processes for creating and amending the program to achieve the goal. (OAR 660-023-0200(1)(d))

Rule Applicability

The 2017 updates to the rule sections guiding the Goal 5 process for protection of locally identified historic resources (OAR 660-023-0200(3)–(7)) do not apply immediately. OAR 660-023-0250(3), the general applicability section of the Goal 5 rules, provides that rule amendments apply when a local government “creates or amends” a “plan or land use regulation” to protect a significant Goal 5 resource or to address specific requirements of Goal 5.

If the local government already has a program to protect historic resources in its plan and land use regulations, it is not required to update those existing provisions in order use them when reviewing applications for demolition, relocation, or alteration of a historic resource. A local government is required to comply with the rule at the time it amends the resource list, but few substantive requirements have been changed, so the

local government should assess whether its existing provisions conflict with rule requirements if a proposal to amend the resource list arises. This guide will assist that analysis.

Comprehensive Plan

Once a local government has decided there is value in protecting the community's historic resources, the first step will be to decide how to go about it. The historic resources rule provides guidance and includes a few requirements.

Typically, the comprehensive plan for a jurisdiction will include a description of the importance of historic resources within the community. This description is followed by a goal or policies, or both, providing the purpose of and the approach to protection. The rule calls this the "historic

preservation plan." A local government may decide to include additional information beyond a minimal description. The State Historic Preservation Office can provide assistance, including grants, in preparation of a historic preservation plan.

The comprehensive plan typically has one or a few goals that provide the overarching direction for the historic protection program. The policies typically provide more detail on outcomes and how the program will be carried out, but the policies are not regulations – that is what the historic preservation ordinance is for (the ordinance is discussed in the next section).

The rule, at OAR 660-023-0200(3), encourages comprehensive plans to be developed in a manner consistent with ORS 358.605 (the state policy on historic preservation; see Appendix B) and following the [Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation](#), produced by the National Park Service. These are suggestions, but they provide cities and counties with established, credible resources to draw from when developing a local program to protect historic resources.

Example Goals

- To protect historic resources and utilize and enhance those resources for residents and visitors.
- To preserve the integrity of the past while guiding the evolution of the future.

Example Policies

- Maintain survey information that accurately reflects the historic characteristics and quality of each historic structure.
- Establish design standards to ensure compatibility of new development with existing resources.
- Maintain historic review ordinances for historic structures and districts that ensure exterior alterations of historic structures maintain the historic value of the structure.

The rule encourages communities to include a “historic context statement” in the comprehensive plan. The historic context statement describes the broad historical development patterns in a community and identifies the historic resources associated with that story. The statement will provide important information for the community as it proceeds through the process of evaluating the historic significance of resources.

Definition

“Historic context statement” is an element of a comprehensive plan that describes the important broad patterns of historical development in a community and its region during a specified time period. It also identifies historic resources that are representative of the important broad patterns of historical development.
(OAR 660-023-0200(1)(c))

Historic Preservation Ordinance

The historic preservation ordinance, or local landmark ordinance, is the vehicle a local government uses to implement the historic resource protection policies contained in the comprehensive plan. The rule, at OAR 660-023-0200(3), encourages local governments to develop the ordinance, “in conjunction with inventorying historic resources.” The rule suggests that the inventory and ordinance be completed together because property owners will need to understand what types of regulations will be put in place to protect historic resources so they can make informed decisions regarding designation later in the process.

The ordinance will contain local regulations needed to carry out the policies of the comprehensive plan. This will include criteria that apply to designation of historic resources; review of requests for demolition, relocation, and modification; and other tools for historic preservation the local government chooses to include. The ordinance will also include the procedural requirements such as the contents of an application, whether a proposal is subject to a hearing, and who conducts a hearing when one is required. Some local governments have chosen to include designation criteria and the resource list in the plan while others place it in the ordinance. The rule allows either. If the resource list is included by reference in the comprehensive plan or code, amending the list by adding or removing resources must be processed like a plan or code amendment.

The rule, at OAR 660-023-0200(7), requires a local government to have a historic preservation ordinance if it chooses to protect historic resources. The rule provides no requirements regarding the content of the ordinance as it relates to locally designated resources, but it does encourage ordinances to be “consistent with standards and guidelines recommended in the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior, produced by the National Park Service.” Protection measures for National Register resources also must be included in the historic preservation ordinance, but certain rule

Definition

“Demolition” means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost. This definition applies directly to local land use decisions regarding a National Register Resource. This definition applies directly to other local land use decisions regarding a historic resource unless the local comprehensive plan or land use regulations contain a different definition. (OAR 660-023-0200(1)(a))

Definition “Owner”

(OAR 660-023-0200(1)(a))
See page 11

provisions apply directly until that is accomplished (see “Protecting National Register Resources,” page 14).

Two definitions in the 2017 rule amendments apply, or potentially apply, directly to local land use decisions.

The definition of “demolition” in OAR 660-023-0200(1)(a) applies directly for locally designated resources if the comprehensive plan or ordinance does not include one. (See “Base Level of Protection,” page 15, for a discussion of rules related to demolition of National Register resources.) The definition of “owner” in OAR 660-023-0200(1)(h) applies directly regardless of whether the historic preservation ordinance already includes one.

Inventorying Historic Resources

The Goal 5 rule, at OAR 660-023-0030, says the standard process for creating an inventory is: (1) collecting data, (2) determining the adequacy of the data, (3) determining the significance of a resource, and (4) adopting a list of significant resources (the “resource list”). The historic resources rule includes these steps in three sections (OAR 660-023-0200(4)–(6)), but the historic resources rule

separates “determining significance” and “adopting a resource list” from the “inventory.” All the steps are included, but organized differently.

Regarding collecting data and determining adequacy of the information collected, the 2017 rule amendments removed a requirement that the local government provide “broad public notice prior to collection of information,” although opportunities for community participation are still encouraged (OAR 660-023-0200(4)). Make sure to follow any public-involvement requirement contained in an existing historic preservation ordinance, as it still applies until an ordinance amendment removes it.

Note

The **Certified Local Government program** is a federal partnership program of the National Park Service, and is administered locally by the Oregon State Historic Preservation Office. The program encourages the identification, designation, and preservation of historic resources by providing federal pass-through funding and technical expertise.

The rule also states: “Local governments are encouraged to complete the inventory in a manner that satisfies the requirements for such studies published by the Oregon State Historic Preservation Office and provide the inventory to that office in a format compatible with the Oregon Historic Sites Database.” While not required, observing established formats will benefit the local government should a state or federal agency request the information for land use planning or disaster planning or response, or if the local government ever pursues federal Certified Local Government status through the Oregon

State Historic Preservation Office. By contributing to the Historic Sites Database, local governments also facilitate public access to information on our history and its meaning.

An “inventory” includes “historic resources” in the community. The local government will not have evaluated whether a resource is significant when the inventory is initially developed. That is, the inventory should include those resources that are *potentially* significant and worthy of protection. This is important because the rule gives no incentive for a local government to leave individual resources or potential districts off the inventory because placement on the inventory has no regulatory effect. Decisions on whether or how to apply ordinance protection comes later in the process.

Definition

“Historic resources” are those buildings, structures, objects, sites, or districts that potentially have a significant relationship to events or conditions of the human past.
(OAR 660-023-0200(1)(e))

Evaluating and Determining Significance

Once a local government places a resource on an inventory, it is eligible to be evaluated for significance. This step is voluntary – that is, the rule does not require a local government to evaluate resources on the inventory. Similarly, the rule (OAR 660-023-0200(5)) does not provide criteria a local government must use when evaluating the significance of historic resources, but does suggest criteria. Inventories are more valuable for state and federal permitting and disaster planning response efforts if the resources have been evaluated for their historic significance and are recorded with the Oregon State Historic Preservation Office. The process allows for local autonomy by permitting the community to determine what is historically significant instead of leaving these decisions to other agencies.

The rule does not include a public-involvement requirement for the significance-evaluation step. The criteria for determining significance will reside in the comprehensive plan or historic preservation ordinance, and public involvement was provided during consideration of the criteria, so application of the evaluation criteria to inventoried resources is initially a technical exercise. The public must be provided an opportunity to review the draft results of the evaluation before a resource is designated on the resource list (this is discussed further in the next section). The rule provides that a planning commission or historic resource commission may complete the evaluation and determination of significance (that is, the rule does not require approval by elected officials).

Definition

“Locally significant historic resource” means a building, structure, object, site, or district deemed by a local government to be a significant resource according to the requirements of this division and criteria in the comprehensive plan. (OAR 660-023-0200(1)(f))

The result of this step is identification of “locally significant historic resources.” These are the resources eligible for and encouraged to be designated on a resource list and therefore subject to the historic preservation ordinance.

Designating Locally Significant Historic Resources

You’re almost done! Once a local government has identified locally significant historic resources, it may

(and should) “designate” them by putting them on a resource list (if the property owner does not object – see the next section). It is only through designation that a local government can apply conditions to local

development permits to promote preservation of the historic characteristics of the resource.

Definition

“**Designation**” is a decision by a local government to include a significant resource on the resource list. (OAR 660-023-0200(1)(b))

The rule (OAR 660-023-0200(6)) says that the resource list “must be adopted or amended as a land use decision.”

This means that the local government must provide notice and an opportunity for public involvement

according to state law and local codes. This will generally be a legislative amendment to the comprehensive plan or historic preservation ordinance, but any local requirements must be followed.

The local government must provide property owners an opportunity to withhold consent to designation of historic resources, as provided in OAR 660-023-0200(6)(b). While designation is never required, it is prohibited to designate a resource over a property owner’s objection.

Owner Consent to Designation

State statute, and consequently the rule, provide that a property owner may “refuse to consent to any form of historic property designation at any point during the designation process.” (See ORS 197.772(1), Appendix B, and OAR 660-023-0200(6)(b).) Listings in the National Register of Historic Places are exempt from this provision.

The “designation process” occurs under OAR 660-023-0200(6) following the determination of significance. A local government is prohibited from *designating* a locally significant resource (*i.e.*, putting it on the resource list) over the objection of the owner, but it is not required to remove a resource from the *inventory* because a property owner refused to consent to designation.

The rule specifies that, in order to exercise the owner consent authority, a property owner must object “on the public record.” This requires oral or written testimony by the owner during the public designation process. A local government is not required to consider statements made only at the planning counter or in a letter to the editor to be an objection that would lead to the resource being left off the resource list. In addition, affirmative “consent” is not required – absence of an objection may be treated as consent. This places the obligation on the local government to ensure that a property owner knows that its property is under consideration for designation and that the owner is apprised of its rights and responsibilities.

Determining ownership will normally be straightforward for an individual building such as a house or store or a site such as a cemetery. Subsection (E) of the definition clarifies how to treat more complex, multi-owner resources such as a condominium or historic district. The definition makes no distinction between public and private ownership.

If a property owner withholds consent for designation of a locally significant resource, the local government is prohibited by OAR 660-023-0200(10) from approving a request to demolish or modify the resource for at least 120 days after the owner’s refusal to consent to designation.

The rule treats an application for demolition or modification as a refusal to consent if the application is made while designation of the resource is under consideration. This is a change made in the 2017 rule amendments. Formerly, the rule requiring 120-day delay applied to requests for removal of a resource from a resource list (section (9) in the former rule); this was an erroneous implementation of the owner consent statute (ORS 197.772(2)), so the rule was corrected. *The 120-day delay provision in statute and rule is directly applicable to local government decisions regarding requests to demolish or alter a locally significant historic resource before the resource is added to the resource list.* That is, a local government is required to enforce the delay even if there is no such requirement in the historic preservation ordinance.

Definition

“Owner”:

(A) Means the owner of fee title to the property as shown in the deed records of the county where the property is located; or

(B) Means the purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or

(C) Means, if the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner; and

(D) Does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature; or

(E) Means, for a locally significant historic resource with multiple owners, including a district, a simple majority of owners as defined in (A)-(D).

(F) Means, for National Register Resources, the same as defined in 36 CFR 60.3(k).

(OAR 660-023-0200(1)(h))

If a local government's historic preservation ordinance includes a 120-day delay of approval for requests to demolish or alter a resource during the process of *removing* the resource from the resource list, the local government should continue to enforce that delay provision until the ordinance is amended to remove it. The rule no longer requires such a delay, but the local ordinance will continue to apply until amended.

Local Historic Districts

Many local governments in Oregon have interpreted ORS 197.772(1) to require that all of the property owners within a proposed historic district must consent to formation of the district in order for it to be designated on

a resource list. With the 2017 rule revisions and the new definition of "owner," a local government may consider designation of a district on the resource list with consent from a "simple majority" of property owners in the area. See OAR 660-023-0200(1)(h)(E). The rule provisions for inventorying, significance determination, and designation of a district are the same as for individual buildings, structures, and sites. That is, they are voluntary and subject to local criteria.



Irvington Neighborhood, Portland

REMOVING A RESOURCE FROM THE RESOURCE LIST

The rule, at OAR 660-023-0200(9), provides two circumstances under which a local government may remove a locally designated resource from the resource list, thereby removing protection of the historic qualities of the resource. One is based on the owner consent statute and the other is a product of the rule. Both are land use decisions, meaning a local government must follow appropriate procedures regarding notice and public involvement. The rule does not provide the “appropriate procedures,” so a local government should use the quasi-judicial procedures contained in its zoning ordinance.



Pilot Butte Canal, Deschutes County

Rule Applicability

OAR 660-023-0200(9) went into effect with the rule’s filing in February 2017 and applies directly to local government decisions. Local governments should make decisions that comply with this section regardless of what their local historic preservation ordinance provides.

When the Designation was Imposed

OAR 660-023-0200(9)(a) implements the owner consent statute (ORS 197.772(3)), as interpreted in *Lake Oswego Preservation Society v. City of Lake Oswego* 360 Or 154 (2016). The statute and rule require a local government to approve a request to remove a locally significant historic resource from the resource list if the designation was “imposed.” The statute dates to 1995, while the rule provisions guiding a local government decision under the statute were added in 2017. Formerly, with no rule guidance regarding what “imposed” meant, implementation of the statute varied around the state, and some resources may have lost protection unnecessarily.

The rule lists the circumstances that must exist in order for a local government to remove a locally significant resource from the resource list as required by the statute. If those circumstances do not exist, the only options for removing a resource from the resource list are provided in OAR 660-023-0200(9)(b). Most importantly, *an owner who acquired a property after it was designated as a historic resource on the resource list does not have the right to have the designation removed under OAR 660-023-0200(9)(a).*

When the Designation was Not Imposed

A local government may remove a locally significant resource from an adopted resource list according to OAR 660-023-200(9)(b), which provides a list of circumstances that warrant “delisting.” The list in the rule is the full list of acceptable circumstances. That is, a local government may not approve removal of a resource from the resource list for a reason not contained in the rule. The reasons are limited to the resource having lost its historic qualities, a mistaken designation, or a public safety concern. This section does not apply to resources listed in the National Register of Historic Places, as local governments do not control the contents of this federal list.

PROTECTING NATIONAL REGISTER RESOURCES

Beginning in 1996, the Goal 5 rule has deemed that resources listed in the National Register of Historic Places are “significant” for the purposes of

Definition

“National Register Resource” means buildings, structures, objects, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470). (OAR 660-023-0200(1)(g))

Goal 5. The 1996 rule used the term “historic resources of statewide significance” for these resources; this term was changed to “National Register resource” in the 2017 updates. The rule requires local governments to protect these resources and it spells out criteria and procedures in OAR 660-023-0200(8).

A local government is not required to list a National Register resource on a local inventory or designate it on a local resource list, but doing so is not prohibited. Adding a National Register resource to the local inventory is a common way to apply local protection that exceeds the base level specified in rule (see “Supplemental Protection,” below).

Note

The **National Register of Historic Places** is the official list of buildings, structures, objects, sites, and districts important to the nation’s history. The Register is maintained by the National Park Service and locally administered by the Oregon State Historic Preservation Office.

The State Historic Preservation Office maintains a list of National Register resources.

Rule Applicability

OAR 660-023-0200(8) went into effect with the rule’s adoption in January 2017 and applies directly to local government decisions. A local government must make decisions that comply with this section regardless of whether it has a historic preservation ordinance or what its existing ordinance provides. The rule requires local governments to update their land use regulations to conform to this section of the rule, but it provides no deadline by which the update must happen.

Base Level of Protection

The 1996 Historic Resources rule required local governments to “protect” historic resources of statewide significance (now called “National Register resources”). The rule formerly defined the term “protect” as “review of applications for demolition, removal, or major exterior alteration of a historic resource.” The rule did not include any review criteria or procedural requirements.

The 2017 amendments continue to require protection of National Register resources, and that protection is still a review, but the rule now provides more detail regarding what that review must entail and how the local government should carry it out. The rule is now also clear that a local government must perform the review even if there is no local ordinance mandating it. A local government may provide additional protection at its discretion.

OAR 660-023-0200(4)–(6) (inventory, significance determination, and designation) do not apply to National Register resource protection. The National Park Service effectively designated the resource by listing it in the National Register. Although section (6), “Designating Locally Significant Historic Resources” does not apply to National Register resources, a local government *may* need to include a National Register resource on its resource list in order to comply with its own historic resource protection ordinance if it wishes to apply supplemental protection *and* the ordinance requires designation in order to apply protection. In other words, local governments must comply with their existing ordinances.

OAR 660-023-0200(8)(a) provides a base level of protection from demolition or relocation of a National Register resource. Review of “major exterior modifications” is no longer included in the base level of protection, but the definition of “demolition” is somewhat broad.

When a city receives a request to demolish or relocate a National Register resource, it must conduct a public hearing on the request. The rule provides no specific requirements regarding the conduct of this hearing, so a local government should follow its normal procedures for a quasi-judicial land use hearing. Local jurisdictions may exclude accessory structures and non-contributing resources within a National Register nomination from review, at their discretion.

Note

The definition of “demolition” (page 8) applies to all requests to alter a National Register resource. The definition includes modifications short of complete destruction. Changes that may be considered a “remodel” or “major exterior alteration” in some codes could qualify as a demolition under the rule.

The body that hears the request is up to the local government, but it will most likely be the historic landmarks commission – if the local government has appointed one and it has authority to make land use decisions – or the planning commission.

The rule provides a list of “factors” for the decision-maker to consider when hearing the request to demolish or relocate the resource. They are not “criteria” that must be satisfied. The local government must consider all of the factors and be able to explain why it made the decision that it made. The outcome is up to the local government. The rule specifies that the local government may approve, approve with conditions, or deny the request for demolition or relocation. A common condition would be to require a 120-day demolition delay to provide the interested parties an opportunity to consider alternatives to demolition.

Supplemental Protection

When a local government wishes to provide protection for National Register resources in addition to the base level described in the previous section, it may do so but must comply with the requirements in OAR 660-023-0200(8)(b). Similar to the requirements for the base level of protection, the rule requires that a local government conduct a public hearing and consider factors contained in the rule before it applies its historic preser-

vation ordinance to National Register resources, even if its ordinance does not require a hearing. (This subsection only applies to newly listed resources. Local protections applied to resources listed in the National Register that were in effect before the rule amendments became effective – February 10, 2017 – are unaffected.)



Harry A. Crosley House, Forest Grove

A hearing is required because the federal National Register listing

does not trigger regulations limiting the use of the property. The National Park Service encourages local protection of National Register resources that takes into account the historic context of the local jurisdiction and the values of the community. The Goal 5 rule requires an opportunity for public participation when a local government makes a decision on whether to regulate a property, as is the case with other land use decisions.

The supplemental protection mechanisms and criteria will need to exist in a historic preservation ordinance when the local government applies them to a resource. That is, conditions on approval of a request to alter a National Register resource (or on any permit, for that matter) must be limited to those needed to satisfy criteria in the ordinance.

Local governments have discretion to devise a program that treats all National Register resources uniformly or to apply tailored measures based on the particular attributes of the resource, or some combination of these approaches. For example, an ordinance may use a uniform set of regulations for individual houses placed on the National Register (after a hearing to decide whether to apply them), but tailor the regulations for a district depending on the qualities to be preserved.



Winn Barn, Umatilla County

CONCLUSION

Oregon's historic resources represent the broad diversity of the people and communities who shaped our state. Every community has unique historic places worthy of both recognition and protection. DLCD thanks our local partners for their continued commitment to the state's special historic places, and invites communities to establish preservation programs or further develop existing efforts.

For Further Information

Regarding implementation of the Historic Resources rule, contact the Oregon Department of Land Conservation and Development.

<http://www.oregon.gov/LCD>

Regarding the Certified Local Government and Main Street Programs, contact the Oregon State Historic Preservation Office.

<http://www.oregon.gov/OPRD/HCD>

APPENDIX A — OAR 660-023-0200

The Oregon Administrative Rules contain OARs filed through July 15, 2017

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

DIVISION 23

PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5

660-023-0200

Historic Resources

(1) For purposes of this rule, the following definitions apply:

(a) “Demolition” means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost. This definition applies directly to local land use decisions regarding a National Register Resource. This definition applies directly to other local land use decisions regarding a historic resource unless the local comprehensive plan or land use regulations contain a different definition.

(b) “Designation” is a decision by a local government to include a significant resource on the resource list.

(c) “Historic context statement” is an element of a comprehensive plan that describes the important broad patterns of historical development in a community and its region during a specified time period. It also identifies historic resources that are representative of the important broad patterns of historical development.

(d) “Historic preservation plan” is an element of a comprehensive plan that contains the local government’s goals and policies for historic resource preservation and the processes for creating and amending the program to achieve the goal.

(e) “Historic resources” are those buildings, structures, objects, sites, or districts that potentially have a significant relationship to events or conditions of the human past.

(f) “Locally significant historic resource” means a building, structure, object, site, or district deemed by a local government to be a significant resource according to the requirements of this division and criteria in the comprehensive plan.

(g) “National Register Resource” means buildings, structures, objects, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

(h) “Owner”:

(A) Means the owner of fee title to the property as shown in the deed records of the county where the property is located; or

(B) Means the purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or

(C) Means, if the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner; and

(D) Does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature; or

(E) Means, for a locally significant historic resource with multiple owners, including a district, a simple majority of owners as defined in (A)-(D).

(F) Means, for National Register Resources, the same as defined in 36 CFR 60.3(k).

(i) “Protect” means to require local government review of applications for demolition, relocation, or major exterior alteration of a historic resource, or to delay approval of, or deny, permits for these actions in order to provide opportunities for continued preservation.

(j) “Significant historic resource” means a locally significant historic resource or a National Register Resource.

(2) Relationship of Historic Resource Protection to the Standard Goal 5 Process.

(a) Local governments are not required to amend acknowledged plans or land use regulations in order to provide new or amended inventories, resource lists or programs regarding historic resources, except as specified in section (8). Local governments are encouraged to inventory and designate historic resources and must adopt historic preservation regulations to protect significant historic resources.

(b) The requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, in conjunction with the requirements of this rule, apply when local governments choose to amend acknowledged historic preservation plans and regulations.

(c) Local governments are not required to apply the ESEE process pursuant to OAR 660-023-0040 in order to determine a program to protect historic resources.

(3) Comprehensive Plan Contents. Local comprehensive plans should foster and encourage the preservation, management, and enhancement of significant historic resources within the jurisdiction in a manner conforming with, but not limited by, the provisions of ORS 358.605. In developing local historic preservation programs, local governments should follow the recommendations in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, produced by the National Park Service. Local governments should develop a local historic context statement and adopt a historic preservation plan and a historic preservation ordinance in conjunction with inventorying historic resources.

(4) Inventorying Historic Resources. When a local government chooses to inventory historic resources, it must do so pursuant to OAR 660-023-0030, this section, and sections (5) through (7). Local governments are encouraged to provide opportunities for community-wide participation as part of the inventory process. Local governments are encouraged to complete the inventory in a manner that satisfies the requirements for such studies published by the Oregon State Historic Preservation Office and provide the inventory to that office in a format compatible with the Oregon Historic Sites Database.

(5) Evaluating and Determining Significance. After a local government completes an inventory of historic resources, it should evaluate which resources on the inventory are significant pursuant to OAR 660-023-0030(4) and this section.

(a) The evaluation of significance should be based on the National Register Criteria for Evaluation, historic context statement and historic preservation plan. Criteria may include, but are not limited to, consideration of whether the resource has:

(A) Significant association with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;

(B) Significant association with the lives of persons significant to local, regional, state, or national history;

(C) Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;

(D) A high likelihood that, if preserved, would yield information important in prehistory or history; or

(E) Relevance within the local historic context and priorities described in the historic preservation plan.

(b) Local governments may delegate the determination of locally significant historic resources to a local planning commission or historic resources commission.

(6) Designating Locally Significant Historic Resources. After inventorying and evaluating the significance of historic resources, if a local government chooses to protect a historic resource, it must adopt or amend a resource list (i.e., “designate” such resources) pursuant to OAR 660-023-0030(5) and this section.

(a) The resource list must be adopted or amended as a land use decision.

(b) Local governments must allow owners of inventoried historic resources to refuse historic resource designation at any time during the designation process in subsection (a) and must not include a site on a resource list if the owner of the property objects to its designation on the public record. A local government is not required to remove a historic resource from an inventory because an owner refuses to consent to designation.

(7) Historic Resource Protection Ordinances. Local governments must adopt land use regulations to protect locally significant historic resources designated under section (6). This section replaces OAR 660-023-0050. Historic protection ordinances should be consistent with standards and guidelines recommended in the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior, produced by the National Park Service.

(8) National Register Resources are significant historic resources. For these resources, local governments are not required to follow the process described in OAR 660-023-0030 through 660-023-0050 or sections (4) through (6). Instead, a local government:

(a) Must protect National Register Resources, regardless of whether the resources are designated in the local plan or land use regulations, by review of demolition or relocation that includes, at minimum, a public hearing process that results in approval, approval with conditions, or denial and considers the following factors: condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan. Local jurisdictions may exclude accessory structures and non-contributing resources within a National Register nomination;

(b) May apply additional protection measures. For a National Register Resource listed in the National Register of Historic Places after the effective date of this rule, additional protection measures may be applied only upon considering, at a public hearing, the historic characteristics identified in the National Register nomination; the historic significance of the resource; the relationship to the historic context statement and historic preservation plan contained in the comprehensive plan, if they exist; the goals and policies in the comprehensive plan; and the effects of the additional protection measures on the ability of property owners to maintain and modify features of their property. Protection measures applied by a local government to a National Register resource listed

before the effective date of this rule continue to apply until the local government amends or removes them; and

(c) Must amend its land use regulations to protect National Register Resources in conformity with subsections (a) and (b). Until such regulations are adopted, subsections (a) and (b) shall apply directly to National Register Resources.

(9) Removal of a historic resource from a resource list by a local government is a land use decision and is subject to this section.

(a) A local government must remove a property from the resource list if the designation was imposed on the property by the local government and the owner at the time of designation:

(A) Has retained ownership since the time of the designation, and

(B) Can demonstrate that the owner objected to the designation on the public record, or

(C) Was not provided an opportunity to object to the designation, and

(D) Requests that the local government remove the property from the resource list.

(b) Except as provided in subsection (a), a local government may only remove a resource from the resource list if the circumstances in paragraphs (A), (B), or (C) exist.

(A) The resource has lost the qualities for which it was originally recognized;

(B) Additional information shows that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing;

(C) The local building official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.

(10) A local government shall not issue a permit for demolition or modification of a locally significant historic resource during the 120-day period following:

(a) The date of the property owner's refusal to consent to the historic resource designation, or

(b) The date of an application to demolish or modify the resource if the local government has not designated the locally significant resource under section (6). [Amended, effective 2/2018]

(11) OAR 660-023-0200(1)(a) and (1)(h) are effective upon filing of the rule with the Secretary of State.

(12) OAR 660-023-0200(8) is effective upon filing of the rule with the Secretary of State and applies directly to local government permit decisions until the local government has amended its land use regulations as required by OAR 660-023-0200(8)(c).

(13) OAR 660-023-0200(9) is effective upon filing of the rule with the Secretary of State and applies directly to local government decisions until the local government has amended its land use regulations to conform with the rule.

(14) OAR 660-023-0200(10) is effective upon filing of the rule with the Secretary of State and applies directly to local government permit decisions.

APPENDIX B – RELEVANT STATUTES

OREGON REVISED STATUTES

Chapter 197 — Comprehensive Land Use Planning I

197.772 Consent for designation as historic property. (1) Notwithstanding any other provision of law, a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.480 to 358.545 or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).

(2) No permit for the demolition or modification of property removed from consideration for historic property designation under subsection (1) of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent.

(3) A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.

Chapter 358 — Oregon Historical and Heritage Agencies, Programs and Tax Provisions; Museums; Local Symphonies and Bands; Archaeological Objects and Sites

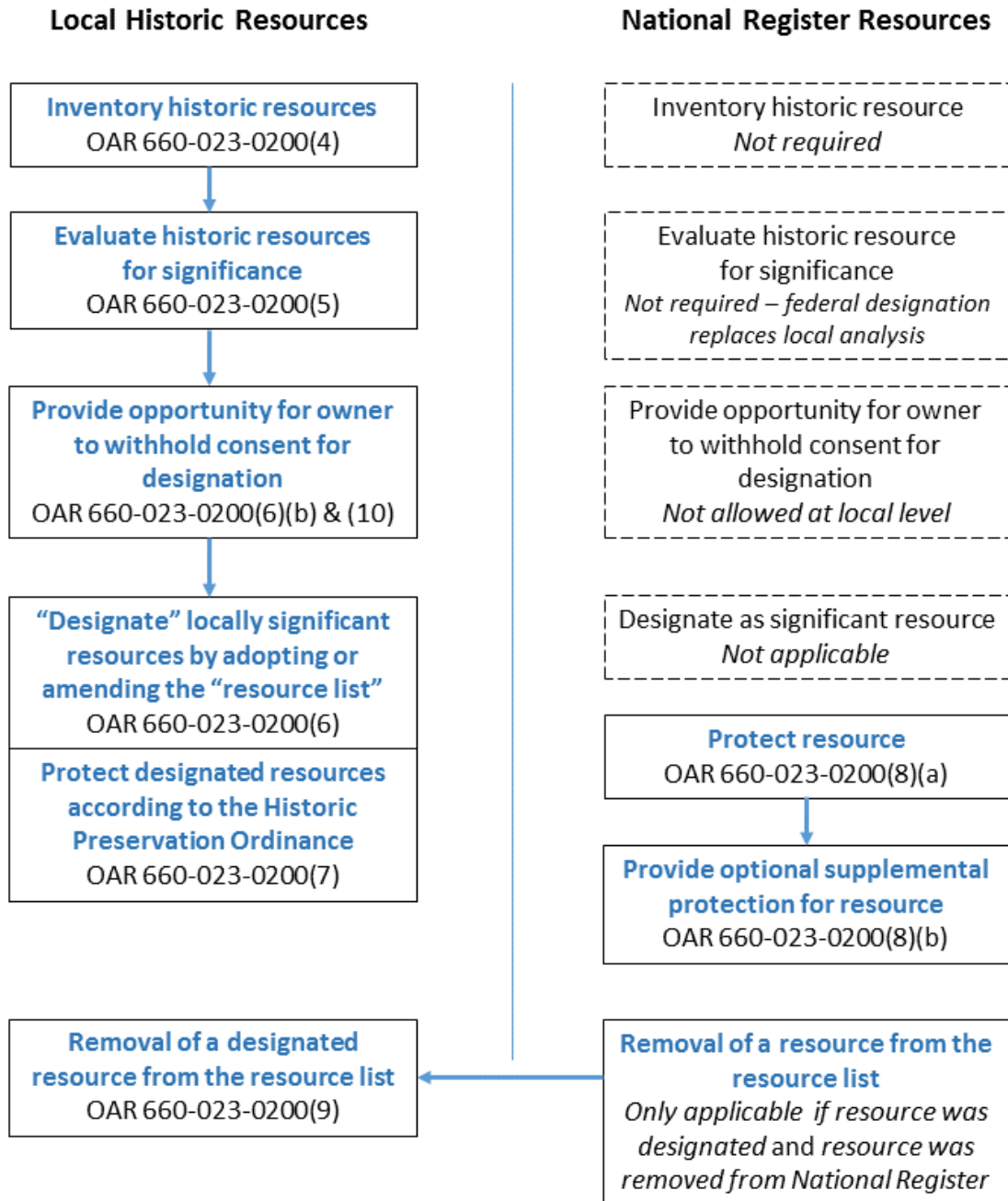
358.605 Legislative findings. (1) The Legislative Assembly declares that the cultural heritage of Oregon is one of the state's most valuable and important assets; that the public has an interest in the preservation and management of all antiquities, historic and prehistoric ruins, sites, structures, objects, districts, buildings and similar places and things for their scientific and historic information and cultural and economic value; and that the neglect, desecration and destruction of cultural sites, structures, places and objects result in an irreplaceable loss to the public.

(2) The Legislative Assembly finds that the preservation and rehabilitation of historic resources are of prime importance as a prime attraction for all visitors; that they help attract new industry by being an influence in business relocation decisions; and that rehabilitation projects are labor intensive, with subsequent benefits of payroll, energy savings and are important to the revitalization of deteriorating neighborhoods and downtowns.

(3) It is, therefore, the purpose of this state to identify, foster, encourage and develop the preservation, management and enhancement of structures, sites and objects of cultural significance within the state in a manner conforming with, but not limited by, the provisions of the National Historic Preservation Act of 1966.

APPENDIX C – GOAL 5 PROCESS FLOWCHART

OAR 660-023-0200 HISTORIC RESOURCES



CITY COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: KEIZER LITTLE LEAGUE

BACKGROUND:

The City Council, at the May 7, 2018 meeting, requested that staff bring back for review financial information regarding the little league complex revenues and expenditures.

The City has met on several occasions with the President and Secretary of Keizer Little League to discuss the 2017 financial information. As a result of those discussions the City has requested and is in the process of reviewing the underlying documents supporting the complex's financial operations however due to time constraints as the result of the City's budgeting process and the ongoing little league season additional time is needed to thoroughly review the information.

RECOMMENDATION:

Staff requests an extension to bring back financial information related to the complex's revenues and expenditures to the July 16, 2018 council meeting.

Please contact me with any questions or concerns.

CITY COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: AMENDING PARK REGULATIONS

Working together with Bill Lawyer and Robert Johnson, we have produced draft Park Regulations. The draft Park Regulations were reviewed by the Parks Board and the Parks Board at its June 12, 2018 recommended that the Council adopt the Park Regulations. Attached is a redlined version for your consideration. The blue is the original changes presented to the Parks Board at its May 8, 2018 meeting, the red are comments, the green are changes presented to the Parks Board at its June 12, 2018 meeting, and the purple are the changes made by the Parks Board at its June 12, 2018 meeting. Here are some high points:

1. Section 7(1). We have changed this section to make it clear that a portion of a park (“park area”) may be reserved if the Public Works Director has listed such area as reserveable. This has been a question in the past when groups wish to reserve a particular portion of a part.
2. Section 7(3). The last two sentences are not new, but I wanted to explain them. If a permit has conditions, the permit is approved, but not granted until those conditions are met.
3. Section 9. This change was to make clear current policy regarding the Keizer Rotary Amphitheatre to clarify that it can be used on a “first-come/first serve” basis if not previously reserved. Also, the Parks Board wanted to allow “first-come/first-serve” events at other locations such as Claggett Creek Park or the Gazebo at City Hall.
4. Section 14. This new language banning smoking in any park was added based on the previous Parks Board’s action and City Council direction.
5. Section 15. Regulations involving alcohol was modified to match up with existing policies regarding Oregon Liquor Control Commission (OLCC) and insurance requirements.

6. Section 16. This change was made to clarify that model airplanes cannot be allowed unless permitted specifically. After much debate, the Parks Board is recommending allowing small unmanned aerial systems in all parks in accordance with Federal Aviation Administration regulations and Oregon Revised Statutes. There is also an allowance for areas where drones are encouraged.

7. Section 26. The fine amount for violations has been somewhat confusing. I added in brackets a suggested maximum fine for each section. I also changed the minimum fine from 75 percent to 50 percent of the maximum fine to allow more discretion by the court in each case. (The references to Class A, B, C, etc. violations has been removed in the final version attached.)

RECOMMENDATION:

Review the matter and adopt the attached Ordinance.

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

ESJ/tmh

1 BILL NO. ____

A BILL

ORDINANCE NO.

20180-_____

3 FOR

4
5 AN ORDINANCE

6
7
8 ESTABLISHING KEIZER PARKS REGULATIONS; **(REPEALING**
9 **ORDINANCE NO. 2010-618 AND ORDINANCE NO. 2013-679**~~2007-~~
10 ~~558, ORDINANCE NO. 2007-566, ORDINANCE NO. 2009-587, AND~~
11 ~~ORDINANCE NO. 2010-601); DECLARING AN EMERGENCY~~
12

13 The City of Keizer ordains as follows:

14 Section 1. TITLE. This Ordinance shall be known as the Keizer Parks Ordinance.

15 Section 2. PURPOSE. The purpose of this Ordinance is to establish rules and
16 regulations governing the use of Keizer parks, in order to insure the safe enjoyment of all
17 Keizer parks by the public. In addition, this Ordinance establishes a process for
18 reserving certain parks and park facilities.

19 Section 3. DEFINITIONS. For the purposes of this Ordinance, the following terms
20 shall have the following meanings:

21 (1) "Council" means the Keizer City Council.

22 (2) "Director" means the director of the Department of Public Works as
23 designated by the Council, or designee.

24 (3) "Law enforcement officer" means any law enforcement officer with
25 lawful jurisdiction, by operation of law or agreement, within a Keizer City
26 park.

(4) "Park" means all grounds, buildings, improvements, and areas dedicated to use by the public for park, recreation or open space purposes and over which the City has acquired right of use for such purposes.

~~(5) "Shoreline area" means the area on the shore of a body of water between the edge of the water and a line around the body of water four feet from the edge of the water. [NOTE: Definition not used in Ordinance.]~~

~~(6)~~(5) "Vehicle" means any wheeled device or conveyance, whether propelled by motor, animal or human power. The term "vehicle" excludes City service vehicles, baby strollers and wheelchairs.

~~(7)~~(6) "Vessel" means any watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

Section 4. RULES AND REGULATIONS.

(1) No person may disobey or fail to observe any rule or regulation set forth in this Ordinance, ~~of which the person has actual notice, however given, or of which reasonable notice has been given by appropriate sign or notice in a park.~~

~~(2)~~ No person may disobey a lawful direction made pursuant to this Ordinance by the Director, any park attendant, guard, special officer authorized by the Director, or law enforcement officer.

1 ~~(2)~~(3) Except as noted below, no person or entity may organize, advertise, or
2 invite participation for any gathering, activity or event that may reasonably
3 attract 50 or more participants (even if no exclusive use is requested)
4 unless they. In such case, the person or entity is required to apply and
5 receive a permit from the Director. Director-approved park improvement,
6 maintenance or cleanup projects are excepted from this requirement.

7 Section 5. SPECIAL USES AND AREAS.

8 (1) The Director may select and designate specific areas and facilities in any
9 park which may be limited to special uses, at all times or at certain times.

10 Special uses may require a permit in writing or a reservation. Fees shall
11 be established by Council resolution.

12 (2) Special uses may include, but are not limited to: Sports, games or other
13 recreational activities, picnics, assemblies, entertainments, exhibitions, and
14 weddings.

15 (3) Carlson Skate Park Regulations. In addition to the park regulations set
16 forth in this Ordinance, Carlson Skate Park is subject to the following
17 specific regulations:

18 (a) Permitted uses in the skate park surface include skateboards,
19 rollerblades, and BMX bikes, scooters and “Big Wheels” type
20 tricycles only – no foot traffic or motorized vehicles.

- (b) The use of helmets is mandatory.
- (c) Use or placement of additional obstacles or other materials including, but not limited to, ramps, jumps, etc. are prohibited.
- (d) ~~Alcohol, tobacco products, illegal drugs, and glass~~ containers are prohibited. [NOTE: This is covered elsewhere and is not a change in policy.]
- (e) Food and/or drink is prohibited on or within five (5) feet of the skate park surface.
- (f) Use of Carlson Skate Park is prohibited if hazardous conditions exist. Any damage/hazardous conditions must be reported to the City of Keizer Parks Department.
- (g) Use of skate park surface is prohibited when the surface is wet.
- (h) ~~Littering is prohibited.~~ [NOTE: Taken care of elsewhere.]
- (4) Keizer Little League Park Usage.
- (a) Any individuals not affiliated with groups or organized teams may use the Park or individual fields at any time the Park is open if such use does not interfere with the priority or reserved use, cause safety concerns, or cause undue wear and tear in the City's Little League's reasonable discretion.

1 Section 6. EXCLUSIVE USE OF PARKS OR FACILITIES.

2 (1) The Director shall maintain a list of reservable parks, park areas and park
3 facilities. A park, ~~portion of a park~~ area or park facility on the Director's
4 list ~~of reservable parks~~ may be reserved for the exclusive use of persons or
5 groups, for a limited period, upon issuance of a permit by the Director,
6 subject to any reasonable conditions (as stated in Section 7) imposed by
7 the Council or the Director and the payment of any fees that the Council
8 may establish.

9 (2) No exclusive use of any park, park area or park facility may be made
10 unless the Director has issued a permit allowing the use and all conditions
11 imposed by the permit have been complied with.

12 (3) Exclusive use of the Keizer Little League Park shall only be granted
13 consistent with the current Park Management Agreement.

14 Section 7. PERMIT PROCEDURES AND CONDITIONS.

15 (1) No permit for the use of a park, park area or park facility listed on the
16 Director's list ~~of reservable parks~~ may be refused or limited, nor may any
17 conditions be attached to the grant or exercise thereof, for any reason not
18 related to the safe, reasonable and orderly use of park facilities.

19 (2) Each application for a permit must be received at a designated office in the
20 Department of Public Works. For events that the estimated attendance is

1 equal to or exceeds one hundred (100) persons, or is permitting
2 intoxicating beverages, or is permitting amplified sound, the permit must
3 be requested no less than sixty (60) days prior to the date of the event. For
4 all other events, the permit must be requested no less than thirty (30) days
5 prior to the date of the event. The Director may waive or reduce these
6 time requirements if it is determined that a waiver or reduction is in the
7 best interests of the citizens of the City. Upon granting a permit, the
8 Director may attach reasonable conditions thereto respecting the time,
9 place, manner, frequency, duration and maximum number of persons who
10 may attend the permitted event.

11 (3) The Director shall grant, deny, or condition each application for a permit
12 within fifteen (15) calendar days after the date of receipt of a complete~~the~~
13 application, unless the time for a decision on the application has been
14 waived by the applicant. The decision granting or denying an application
15 shall be sentmailed to the applicant at the address listed on the application.
16 If approved, the permit will be issued only when all pre-event conditions
17 have been met by the applicant. The applicant may not consider the
18 permit to have been granted until the permit is received.

19 (4) The Director may grant, deny, condition or limit a permit after having
20 considered the suitability of the area or facility for the number of persons

1 expected at the event, whether or not the activity proposed is a legal use
2 thereof, the impact of the proposed use upon public property, the effect of
3 the proposed use upon the peaceful enjoyment of the park by members of
4 the public attending and those not attending the event, the effect of the
5 proposed use upon the peace and convenience of members of the public
6 using private or public property or the public streets in the vicinity of the
7 park or park facility, the public health and safety, any traffic or parking
8 problems which may be caused by attendance at the event and the
9 equitable sharing of the use of the park or park facility. The Director is
10 specifically authorized to attach reasonable restrictions and conditions to
11 activities to occur at the event, including but not limited to, restrictions on
12 fires, amplified sound, dancing, sports, the use or presence of animals, the
13 use of equipment or vehicles, the number of persons to be present, the
14 location of any bandstand or stage within a specific park area, or the
15 creation of any sounds, smoke, light, smell or any other thing which
16 appears likely to create any unreasonable risk of harm or substantial
17 annoyance to any person using the park or park facility or to the public, or
18 damage to any public or private property. Violation of any of the terms
19 and conditions of any permit by the permittee, or any agent, servant or
20 employee of permittee, is cause for immediate suspension or revocation of

1 the permit by the Director.

2 (5) The Director may require in connection with a permit that adequate
3 security be furnished by the permittee and that the permittee provide
4 additional sanitary facilities, refuse receptacles, or make any other
5 reasonable arrangements, based on the type of activity for which the
6 permit is requested.

7 (6) The Director shall refuse to grant a permit where conditions cannot be met
8 or are not accepted. The applicant must agree to provide a means of
9 informing all of the persons participating in the proposed event of the
10 terms and conditions of the permit applicable to the appropriate
11 participants.

12 (7) No permit for a park or park facility is transferable without the consent in
13 writing of the Director.

14 (8) ~~Upon the granting of a permit, any All fees, or deposits or other amounts~~
15 ~~established by the Council or conditions related thereto~~ shall be paid by
16 the applicant when required by the Director. ~~or complied with by the~~
17 ~~applicant before the date of the event.~~ If such amounts ~~the fees or deposits~~
18 are not paid when required ~~before the date of the event~~, then the permit is
19 null and void shall not be issued.

20 (9) Each person to whom a permit has been granted must agree in writing,

1 upon request from the Director, to indemnify and hold the City, its
2 officers, agents and employees, harmless from any and all liability for
3 injury to persons or property occurring as a result of the permitted event.

4 The permittee shall be liable to the City for any and all damage to the park
5 and park facilities which results from any act or omission of the permittee
6 or is caused by any participant in the event.

7 (10) Each person to whom a permit is granted must agree in writing, upon
8 request from the Director, to waive all claims or causes of action against
9 the City, its officers, employees or agents which the permittee may have
10 for injury to person or property of any type arising from the permittee's
11 use of the reserved park or park facilities, except for the active affirmative
12 negligence or willful act of the City, its officers, employees or agents, and
13 to which the person to whom a permit or reservation is granted in no way
14 contributed, either directly or through any other person, agent, partner,
15 contractor or associate.

16 (11) If the proposed use of a park or park facilities involves risk of damage or
17 injury to persons or to property of others, the Director will require the
18 permittee to obtain a policy of commercial general liability insurance with
19 terms and limits of liability as determined by the Director to be appropriate
20 for the activity for which the permit is requested. The policy shall name

1 the City, its officers, agents and employees, as insureds, and shall insure
2 the insureds against all claims, suits and demands of any and all persons
3 for injury, including death or damage sustained by any person or persons
4 arising out of any act or omission of the permittee related to the use of the
5 park or park facility. The Director must approve any policy issued
6 pursuant to this section.

7 (12) The permittee shall have a copy of the permit on site during the event, and
8 must present the permit upon the request of the Director, any park
9 attendant, guard, special officer authorized by the Director, or law
10 enforcement officer.

11 (13) It is unlawful for a person to conduct any business or to place any booth,
12 table, chair, stool, structure, vehicle, or piece of equipment in any portion
13 of a park for which a park permit has been issued without the consent of
14 the permittee. This subsection shall not apply to persons acting under the
15 direction or control of City.

16 Section 8. NONPUBLIC AREAS – POSTING REQUIRED – ENTERING OR
17 DAMAGING PROPERTY PROHIBITED.
18

19 (1) By posting appropriate notices, the Director may exclude the public from
20 or limit use of, any road, area, building, lands, trail, natural feature, water
21 area or facility in a park which is used for access, storage, parking, shop,
22 office, residence or utility purposes, or other park or recreational use, or

any combination thereof, whenever public access to the same will endanger the public health or safety, interfere with such use, or cause damage to public property or natural resources. The Director may also by appropriate means exclude the public from the place of any construction, repair or demolition activity. No person may enter or remain or permit any person in their control to enter or remain in any part of a park when the park is closed to the public, unless authorized to do so by the Director.

- (2) No unauthorized person may unlock, open, remove, move or tamper with any gate, door, window, ventilator, skylight, screen, grate, fence, lock or barrier, or any other thing maintained by the City to exclude the public from a park or portion thereof, or tamper with, remove or deface any sign, legend or other notice designating the same as dangerous or prohibiting entry therein.

Section 9. ENTERTAINMENT – PERMIT REQUIRED.

- (1) Except as set forth below, nNo person or group may give any exhibition, show, play, entertainment, performance, dance or concert, or project any still or moving pictures in any park without first having obtained a permit from the Director. Any individuals or groups may use the Keizer Rotary Amphitheatre, the Claggett Creek Park shelter and the Chalmers Jones Park gazebo to give any exhibition, show, play, entertainment,

performance, dance or concert on a first-come, first-served basis at any time ~~the Keizer Rotary Amphitheatre~~ such facility is open if such use does not interfere with the priority or permitted use, cause safety concerns, and ~~is~~ not likely to interfere with the enjoyment of the adjacent park users or property in the vicinity of the event. Any ~~Amphitheatre~~ event involving electrical service use, amplified sound or projection of still or moving pictures must obtain a permit from the Director.

(2) The Director may issue a permit for an event described in section 9(1) above if it is found that the use is not likely to interfere with the enjoyment of the park by any other person or persons using the park or property in the vicinity of the location of the proposed event, and is not likely to cause unreasonable damage to park facilities. The Director may attach reasonable conditions as to time, place, manner, frequency and duration of permitted events so that the health, safety, convenience and enjoyment of any persons not attending the event may not be unreasonably affected, and to protect park facilities from unreasonable damage.

(3) The requirements of ~~S~~section 7 herein concerning permit procedures and conditions apply to permits issued under this section.

Section 10. EXCLUSION OR REMOVAL OF CERTAIN ACTIVITIES, ANIMALS OR MATERIALS.

The Director or any law enforcement officer may exclude, remove or require to be

1 removed from a park any animal, vehicle, equipment, activity, thing or material, the use
2 or presence of which is likely to:

3 (1) Cause an unreasonable risk of harm or danger to any person or damage to
4 any real or personal property;

5 (2) Cause any unreasonable burden of maintenance or cleanup.

6 Section 11. VEHICLES – OPERATION AND PARKING PROCEDURES AND
7 RESTRICTIONS.
8

9 (1) No person may stop, park, or leave standing or unattended any vehicle,
10 trailer or boat in any park, except in an area or space designated for
11 parking of such objects, or upon any portion of any street or highway upon
12 which the parking of such objects is permitted, or in excess of the time
13 prescribed therefore by any City ordinance or permit/order issued by the
14 Director. No person may stop, park or leave standing or unattended any
15 vehicle, trailer or boat in any area or space designated for parking of such
16 objects by the Director so that any part of such object is within the right-
17 of-way of any street or highway within the limits of any park. The Director
18 is hereby directed to post signs giving notice hereof in those portions of
19 parks as may be affected hereby.

20 (2) No person may operate a vehicle, except as authorized by the Director, in
21 any park except upon a publicly owned road or trail which is open for
22 public vehicular traffic within the park. No person may operate any

1 vehicle on any park road or trail at a speed greater than the speed limit
2 established by the Director and posted on the road or trail, or if no speed is
3 posted, at a speed greater than ten miles per hour.

4 (3) No person may wash, wax, dismantle or repair any vehicle, trailer, boat or
5 other equipment, or remove any lubricant from any vehicle, trailer, boat or
6 other equipment, or otherwise service any vehicle, trailer, boat or other
7 equipment, in any park except for emergency repairs or as authorized by
8 the Director.

9 (4) No person may take into or operate or park or leave standing within any
10 park any mechanically defective vehicle, trailer or boat, or any type
11 vehicle that is in violation of City Ordinance or any provision of the
12 Oregon Vehicle Code relating to mechanical requirements or safety of
13 vehicles.

14 (5) No person may leave standing any vehicle, trailer or boat in any park at
15 any time when the park or portion thereof is closed to the public, unless
16 authorized in writing by the Director to do so, with the exception of
17 vehicles left at the Keizer Rapids Park boat ramp parking lot in connection
18 with overnight or multi-day boat trips. In such instance, the vehicle
19 operator shall fill out a permit form and leave it on the dashboard of the
20 vehicle in plain view from outside the vehicle.

- 1 (6) Any law enforcement officer or security officer authorized by City may
2 remove from a park, in the manner provided and subject to the
3 requirements of the Oregon Vehicle Code, any vehicle, trailer or boat left
4 therein, or on any portion thereof, in violation of this section.

5 Section 12. ANIMALS AND PETS.

- 6 (1) The Director may establish a list of parks and/or areas within parks where
7 dogs are allowed. The list shall be a part of the City's park rules and
8 regulations. The Director's list shall indicate areas in which dogs may be
9 on-leash, off-leash or prohibited. The presence of other animals, unless
10 otherwise authorized in writing, is prohibited. The foregoing prohibitions
11 do not prevent any law enforcement officer in the performance of their
12 duty from possessing a police dog, or any person from utilizing a bona fide
13 assistance or guide dog, in any park, provided that the animal is at all
14 times in the control of the person. In all areas, owners shall gather and
15 properly dispose of all of their animals' feces.

- 16 (2) No person may set out food in any park for any wild animal, bird, fish or
17 reptile. No person may set out food in any park for a tame animal not in
18 the person's custody.

- 19 (3) No person may abandon any animal, bird, fish or reptile in any park.

- 20 (4) Except for fishing pursuant to all applicable regulations and licensing,

1 ~~n~~No person may capture, hunt, molest, or harm, or attempt to capture,
2 hunt, molest or harm, or administer or set out any bait or harmful
3 substance for any wild or domestic animal, reptile, fish or bird, nor remove
4 nor have in his possession the young, the eggs, or the nest of any animal,
5 reptile or bird found in the park. Persons who are authorized by the
6 Director to do so may kill, poison, or control or trap any of the above-
7 named creatures, subject to applicable state and federal law.

8 Section 13. FIRES.

9 (1) No person may kindle or maintain in any park any outdoor fire in any
10 place other than in a designated fireplace or barbecue pit maintained by
11 City or in a portable barbecue or camp stove used safely in a designated
12 picnic or cooking area in a park, or in another location as may be
13 authorized in writing by the Director.

14 (2) In kindling or maintaining an outdoor fire in any park, only charcoal
15 briquettes, paper and wood may be used. Only manufacturer approved
16 fuels shall be used in any camp stove.

17 (3) No person who kindles or maintains any outdoor fire in a park may leave
18 the area where the fire is located without completely extinguishing the fire
19 so that it is cold to the touch.

20 (4) If deemed necessary for public health and safety purposes in the sole

1 discretion of the Director, any and all areas may be designated “No Fire”
2 areas.

3 Section 14. SMOKING. ~~No person may ignite or smoke any tobacco or tobacco~~
4 ~~product, or any other material, on any park trail, restroom or in any fire risk area, at the~~
5 ~~Keizer Rotary Amphitheatre during events, or in any area additionally designated by the~~
6 ~~Director.~~ No person may ignite, ~~or~~ smoke or vape any tobacco, tobacco product, legal or
7 illegal drugs of any type, or any other material, in any area of any park or park facility.

8 Section 15. INTOXICATING BEVERAGES. No person may possess or consume any
9 intoxicating beverage in any area of any park or park facility, except at Keizer Rapids
10 Park, and Chalmers Jones Park, and Keizer Station Park pursuant to permit authority.

11 ~~[NOTE: Keizer Station Park (now PFC Ryan J. Hill Memorial Park) was used for an Iris~~
12 ~~Fest event; it is not likely to be so used in the future and alcohol at this park is not~~
13 ~~appropriate.]~~ The Director may issue an event permit allowing use of alcoholic
14 beverages subject to the following conditions:

15 (1) Only individuals twenty-one (21) years of age or older may consume
16 alcohol in accordance with this policy.

17 (2) No person shall sell, give or otherwise make available any alcoholic
18 beverage to a person under the age of 21 years.

19 (3) No person shall sell, give or otherwise make available any alcoholic
20 beverage to any person who is visibly intoxicated.

1 (4) Alcoholic beverages are permitted only in the areas specifically delineated
2 in the permit. Permit conditions may include installing temporary fencing,
3 tape or other methods to delineate the areas within which alcoholic
4 beverages must be kept.

5 (5) Alcoholic beverages are allowed only in conjunction with a reserved event
6 and only pursuant to the permit conditions.

7 ~~(6)~~ Alcoholic beverages will be served only by a licensed ~~and bonded~~ server
8 pursuant to all Oregon Liquor Control Commission laws and regulations.

9 ~~(6)(7)~~ The alcoholic beverage server must obtain a Temporary Sales License or
10 Temporary Use of an Annual License from the Oregon Liquor Control
11 Commission and shall provide a copy to City.

12 ~~(7)(8)~~ The applicant shall, at its sole cost and expense, procure and maintain
13 through the term of for the event a Comprehensive General Liability
14 insurance policy and Liquor Liability insurance policy in an amount to be
15 determined by the Director. The applicant shall provide to City a
16 certificate of insurance and endorsement adding insuring the City, its
17 employees, agents and contractors as additional insured against liability in
18 an amount to be determined by the Director. As part of the event
19 reservation process, the applicant shall agree to defend, indemnify and
20 hold the City, its employees, agents and contractors from any and all

1 claims in connection with alcohol use on the premises.

2 ~~(8)~~(9) The Director may place reasonable conditions on the event to protect
3 persons and property.

4 Section 16. POWERED MODELS – OPERATION RESTRICTIONS.

5 (1) No person may operate in any park, any ~~model airplane~~, boat, car, rocket or
6 other device that is powered by a rocket motor ~~or~~, an internal combustion engine, ~~or any~~
7 ~~model airplane or unmanned aerial vehicle (drone) however powered, or other power~~
8 ~~source~~, except in an area and at times as are designated for such use by the Director.

9 ~~(2) Any unmanned aerial vehicle (drones) however powered shall be operated~~
10 ~~in compliance with FAA Regulations and Oregon Revised Statutes.~~

11 ~~OR~~

12 ~~(2) No person shall use a radio controlled or any other device to affect the~~
13 ~~attitude of an unmanned aerial system while that person is on any park property. Any~~
14 ~~person that causes the attitude of an unmanned aerial system to change will be~~
15 ~~trespassing on City property. Permission may be obtained by the Director and shall be in~~
16 ~~accordance with FAA regulations, advisory circulars and applicable Oregon Revised~~
17 ~~Statutes prior to an operation affecting the attitude of an unmanned aerial system while~~
18 ~~on City property.~~

19 ~~(2) Small unmanned aerial systems commonly referred to as drones may be~~
20 ~~used in City parks. Operation of drones shall be done in accordance with FAA~~

1 regulations and Oregon Revised Statutes. Keizer may establish “drone zones” where
2 usage is encouraged so long as said usage is done in compliance with FAA regulations
3 and Oregon Revised Statutes.

4 Section 17. GOLF. No person may hit any golf ball in any park except in an area
5 designated for such use by the Director.

6 Section 18. DOING BUSINESS PROHIBITED. No person may practice or solicit for
7 any occupation, business or profession in any park, or sell or offer for sale therein any
8 service or merchandise unless pursuant to a contract/permit with City, or authorized by a
9 reservation permit.

10 Section 19. WATER POLLUTION. No person may throw, discharge or otherwise
11 deposit or cause or permit to be placed into the waters of any fountain, pond, lake,
12 stream, pool or any body of water in or adjacent to any park, or any tributary stream,
13 storm sewer, sanitary sewer or drain flowing into such waters, any substance, matter or
14 thing, that materially impairs the usefulness of the water for persons or the habitability of
15 the water for any animal, bird, fish or reptile that drinks, swims in or otherwise uses the
16 water.

17 Section 20. GUNS, FIREARMS, DANGEROUS MATERIALS AND FIREWORKS.

18 (1) No person, except by permit issued pursuant to ~~ORS 166.291~~ state law or
19 as otherwise authorized by law, may bring into a park or possess, use or
20 discharge therein any of the following items: Any firearm or ammunition,

1 explosive, incendiary bomb or material, fireworks (except as otherwise
2 provided in this section), or any weapons such as, but not limited to, air
3 guns, slingshots, bows/crossbows and arrows, or paint ball guns.

4 (2) No person shall shoot any of the above-described items into the park limits
5 from outside the limits of a park.

6 (3) No fireworks may be brought into or used in any park, except for
7 commercial firework displays approved in writing by the City Council.

8 Section 21. CONDUCT. Persons who willfully harass or interfere with any
9 government employee in the performance of his or her duties in a park, or who by their
10 conduct or by threatening or profane language annoy, willfully molest, unreasonably
11 interfere with the use of a park by any other person, who have committed a public
12 offense in a park, who operate any vessel in an unsafe manner or conduct themselves in
13 an unsafe manner, shall leave the park upon ~~lawful orderrequest.~~ Lawful ordersRequests
14 can be made by the Director, any park attendant, guard, special officer authorized by the
15 Director, or law enforcement officer. No person who has left the park premises after
16 being ordered to do soa-request may reenter the park until after eight a.m. of the next
17 day. Persons who do so are subject to arrest or citation.

18 Section 22. DAMAGING PARK PROPERTY. Unless authorized in writing by the
19 Director to do so, no person may:

20 (1) Pick, saw, chop, carve, cut, remove or damage any flowers, seeds, bark,

1 branches, twigs, leaves or blossoms of any tree, plant, shrub, vine, bush or
2 other vegetation in any park;

3 (2) Drive any nail, screw, bolt or staple into, or attach any wire, rope or other
4 fastening device to any tree or plant in any park;

5 (3) Mark, deface, damage, displace or remove any building, bridge, table,
6 chair, bench, fireplace, barrier, fence, railing, paving or paving material,
7 water pipe or light, or any sign, notice or placard, whether temporary or
8 permanent, or any cultural, natural or historic artifact, or monument stake,
9 post or other boundary marker, or any other structure, equipment, facility
10 or property, or part or appurtenance thereof whatsoever, in or from any
11 park;

12 (4) Cut or remove any sand, wood, turf, grass, gravel, stone or timber in or
13 from any park, or make any excavation by any tool, equipment, blasting or
14 by any other means in any park;

15 (5) Paint, erect, mark, post or fasten on or to any tree, shrub, fence, wall,
16 building, monument or other property in any park any poster, bill,
17 advertisement, inscription, sign or display, except for temporary
18 directional signs which do not otherwise interfere with City-authorized
19 signage, directing participants to an event within the park. Temporary
20 directional signs shall be removed by event participants immediately

1 following the event.

2 (6) Take or operate a vehicle upon or over any lawn or landscaping in any
3 park except as allowed by approved event permit. City will determine
4 repair or replacement costs in event of damage.

5 Section 23. LITTERING. No person may deposit, drop or scatter any garbage, trash or
6 rubbish, including, but not limited to, any glass, cigars/cigarettes or remains, paper, cans,
7 ashes, leaves and cuttings, furniture, appliances or concrete in any park except in a
8 receptacle designed and placed to receive the same; nor may any person import into or
9 deposit in any park from any other place any garbage, trash or rubbish.

10 Section 24. CLOSING TIME – EMERGENCY CLOSING.

11 (1) Subject to the exception noted below, or uUnless modified by the Director,
12 all parks shall be open one-half (1/2) hour prior to sunrise to one-half (1/2)
13 hour after sunset as determined by the U.S. Naval Observatory
14 (Astronomical Applications Department), unless such Agency no longer
15 provides this service. In such case, the determination of the time of
16 sunrise and sunset shall be pursuant to the appropriate official
17 governmental agency. All amplified sound shall completely cease by 9:00
18 p.m., unless permitted by the Director during the permitting process. The
19 usage of the boat ramp and parking lot at Walsh's Landing in Keizer
20 Rapids Park for purposes of putting in or taking out a vessel are allowed

two hours before sunrise and one and a half hours after sunset.

(2) Entering or remaining after closing time:

(a) No person may enter or remain in any park or portion thereof at any time when the same is closed to the public unless specifically allowed in these regulations or~~the person is~~ authorized to do so by the Director in writing.

(b) The Director shall, by appropriate signs or other means, give notice of closing times, and may designate certain areas which will be closed to the public at a regular closing time, regardless of whether or not any outdoor or indoor event is being or is scheduled to be conducted elsewhere in the park.

(c) Persons may remain after closing time if camped in a specifically designated camping area. The Director shall determine the locations for such areas and a maximum number of nights and maximum number of persons allowed.

(3) Events After Closing Time: Any portion of a park or any enclosed building in a park in which an event is being conducted or is scheduled to be conducted, based upon a permit issued by the Director, shall not be considered closed after the regular closing time to members of the public who are attending or participating~~authorized participants~~ in the event, and

1 who are within the permitted portion of the park, the building, any paths
2 leading thereto from any street, or any other facility, outdoor area or off-
3 street parking area intended for use in connection therewith, until thirty
4 minutes after the conclusion of the permitted event. As to other members
5 of the public who are not participants in the event, the park and all
6 structures~~buildings~~ therein shall be considered closed at the regular
7 closing time.

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

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

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

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

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

15 (5) Emergency closing:

16 (a) The Council, the Director, or the Chief of Police, or their
17 authorized representatives, may direct any park or designated
18 portion thereof to be closed at certain times or from time to time if
19 the closing is reasonably necessary for the proper conduct of any
20 activity by City, to protect public property or natural resources

1 within a park or any private or public property or natural resources
2 in the vicinity of a park from damage, or to preserve the public
3 peace or safety in a park or portion of a park or in the vicinity
4 thereof.

5 (b) When a park or portion thereof is closed to the public, pursuant to
6 the above authority or any other proper authority, no person may
7 enter the park or closed portion thereof after notice of closing or
8 fail or refuse to promptly leave the park when requested to do so by
9 the Director, any park attendant, guard, special officer authorized
10 by the Director, or law enforcement officer.

11 Section 25. VESSELS.

12 (1) For parks located adjacent to the Willamette River, any vessel must be
13 operated in accordance with all applicable county, state and federal
14 regulations.

15 (2) ~~No person may operate any windsurfer, air mattress, inner tube or raft or~~
16 ~~pontoon boat in any park except as designated by the Director. Any~~
17 ~~manufactured or homemade device deemed unsafe by United States Coast~~
18 ~~Guard standards or any park staff, or any vessel that requires occupant(s)~~
19 ~~to be in the water at any time is prohibited.~~

20 Section 26. VIOLATIONS. For purposes of determining the base fine amounts, the

1 ~~following amounts amount for state violations~~S shall be imposed ~~pursuant to the~~
2 ~~following~~: [NOTE: Suggested maximum base fine amounts in brackets.]

3 (1) Violation of Section 5, Subsection 3 of this Ordinance is considered a
4 Class D violation as provided in ORS Chapter 153 (Carlson Skate Park
5 violations). [\$100]

6 (2) Violation of Section 6, Subsection 2 of this Ordinance is considered a
7 Class C violation as provided in ORS Chapter 153 (no exclusive use
8 unless issued a permit). [\$200]

9 (3) Violation of Section 7, Subsection 13 of this Ordinance is considered a
10 Class C violation as provided in ORS Chapter 153 (placement of booth,
11 table, chair, stool, structure, vehicle, or piece of equipment in any portion
12 of a park for which a park permit has been issued without the consent of
13 the permittee). [\$200]

14 (4) Violation of Section 8, Subsection 1 of this Ordinance is considered a
15 Class D violation as provided in ORS Chapter 153 (entering or remaining
16 in park closed to public). [\$200]

17 (5) Violation of Section 8, Subsection 2 of this Ordinance is considered a
18 Class C violation as provided in ORS Chapter 153 (unlocking, opening,
19 removing, moving, or tampering with gate, door, window, ventilator,
20 skylight, screen, grate, fence, lock or barrier to exclude public from park

- 1 or portion thereof, or tampering with, removing or defacing any sign,
2 legend or other notice designating dangerous or prohibiting entry). [\$500]
- 3 (6) Violation of Section 9 of this Ordinance is considered a Class C violation
4 as provided in ORS Chapter 153 (entertainment). [\$200]
- 5 (7) Violation of Section 11 of this Ordinance is considered a Class D violation
6 as provided in ORS Chapter 153 (vehicles – operation and parking
7 procedures and restrictions). [\$200]
- 8 (8) Violation of Section 12, Subsections 1 and 2 of this Ordinance are
9 considered Class D violations as provided in ORS Chapter 153 (leash law,
10 allowance of animals, and setting out food in park for animals). [\$200]
- 11 (9) Violation of Section 12, Subsections 3 and 4 of this Ordinance are
12 considered Class C violations as provided in ORS Chapter 153
13 (abandoning animal in park, capturing, hunting, molesting, harming, or
14 attempting to capture, hunt, molest or harm animals, and possession of the
15 young, the eggs, or the nest of any animal). [\$300]
- 16 (10) Violation of Section 13 of this Ordinance is considered a Class C violation
17 as provided in ORS Chapter 153 (fires). [\$500]
- 18 (11) Violation of Section 14 of this Ordinance is considered a Class C violation
19 as provided in ORS Chapter 153 (smoking). [\$200]
- 20 (12) Violation of Section 15 of this Ordinance is considered a Class B violation

- 1 as provided in ORS Chapter 153 (intoxicating beverages). **[\$200]**
- 2 (13) Violation of Section 16 of this Ordinance is considered a Class D violation
- 3 as provided in ORS Chapter 153 (powered models). **[\$150]**
- 4 (14) Violation of Section 17 of this Ordinance is considered a Class D violation
- 5 as provided in ORS Chapter 153 (golf). **[\$150]**
- 6 (15) Violation of Section 18 of this Ordinance is considered a Class D violation
- 7 as provided in ORS Chapter 153 (doing business). **[\$200]**
- 8 (16) Violation of Section 19 of this Ordinance is considered a Class B violation
- 9 as provided in ORS Chapter 153 (water pollution). **[\$500]**
- 10 (17) Violation of Section 20 of this Ordinance is considered a Class B violation
- 11 as provided in ORS Chapter 153 (guns, firearms, dangerous materials and
- 12 fireworks). **[\$500]**
- 13 (18) Violation of Section 22 of this Ordinance is considered a Class B violation
- 14 as provided in ORS Chapter 153 (damaging park property). **[\$500]**
- 15 (19) Violation of Section 23 of this Ordinance is considered a Class D violation
- 16 as provided in ORS Chapter 153 (littering). **[\$150]**
- 17 (20) Violation of Section 24 of this Ordinance is considered a Class D violation
- 18 as provided in ORS Chapter 153 (closing time – emergency closing).
- 19 **[\$300]**
- 20 (21) Violation of Section 25 of this Ordinance is considered a Class D violation

1 as provided in ORS Chapter 153 (vessels). ~~[\$200]~~

2 (22) Enforcement of any violation under this Ordinance shall be accomplished
3 through the Keizer Civil Infraction Ordinance. The base fine amount shall
4 be the maximum fine. The minimum fine shall be ~~50~~75% of the base fine
5 amount.

6 ~~(23) All net fines levied from violations and any permit fees collected shall be~~
7 ~~placed in the City Parks fund.~~

8 ~~(24)~~(23) In addition to enforcement noted above, violators may be excluded
9 from the park up to one hundred twenty (120) days if the municipal court
10 finds there is a reasonable likelihood for repeat violations.

11 Section 27. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or
12 portion of this Ordinance is for any reason held invalid or unconstitutional, or is denied
13 acknowledgment by any court or board of competent jurisdiction, then such portion shall
14 be deemed a separate, distinct, and independent provision and such holding shall not
15 affect the validity of the remaining portions hereof.

16 Section 28. REPEAL OF ORDINANCE NO. 2010-618 AND ORDINANCE NO.
17 2013-679 07-558, ORDINANCE NO. 2007-566, ORDINANCE NO. 2009-587, AND
18 ORDINANCE NO. 2010-601. Ordinance No. 2010-618 07-558 (Establishing Keizer
19 Parks Regulations) and Ordinance No. 2013-679 (Amending Keizer Parks Regulations),
20 Ordinance No. 2007-566 (Amending Keizer Parks Regulations Regarding Park Hours),

1 ~~Ordinance No. 2009-587 (Amending Keizer Parks Regulations Regarding Use of~~
2 ~~Alcohol at Keizer Rapids Park, and Ordinance No. 2010-601 (Amending Keizer Parks~~
3 ~~Regulations Regarding Permit Procedures and Park Hours)~~ ~~is~~are hereby repealed in
4 ~~its~~their ~~their~~ entirety.

5 Section 29. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after
6 its passage~~being necessary for the immediate preservation of the public health, safety and~~
7 ~~welfare, an emergency is declared to exist and this Ordinance shall take effect~~
8 immediately upon its passage.

9 PASSED this _____ day of _____, 2018~~0~~.

10 SIGNED this _____ day of _____, 2018~~0~~.

11

12

13

14

Mayor

15

16

17

City Recorder

1 BILL NO. ____

A BILL

ORDINANCE NO.

2018-_____

3 FOR

4
5 AN ORDINANCE

6
7
8 ESTABLISHING KEIZER PARKS REGULATIONS; **(REPEALING**
9 **ORDINANCE NO. 2010-618 AND ORDINANCE NO. 2013-679**

10
11 The City of Keizer ordains as follows:

12 Section 1. TITLE. This Ordinance shall be known as the Keizer Parks Ordinance.

13 Section 2. PURPOSE. The purpose of this Ordinance is to establish rules and
14 regulations governing the use of Keizer parks, in order to insure the safe enjoyment of all
15 Keizer parks by the public. In addition, this Ordinance establishes a process for
16 reserving certain parks and park facilities.

17 Section 3. DEFINITIONS. For the purposes of this Ordinance, the following terms
18 shall have the following meanings:

19 (1) "Council" means the Keizer City Council.

20 (2) "Director" means the director of the Department of Public Works as
21 designated by the Council, or designee.

22 (3) "Law enforcement officer" means any law enforcement officer with
23 lawful jurisdiction, by operation of law or agreement, within a Keizer City
24 park.

1 (4) “Park” means all grounds, buildings, improvements, and areas dedicated
2 to use by the public for park, recreation or open space purposes and over
3 which the City has acquired right of use for such purposes.

4 (5) “Vehicle” means any wheeled device or conveyance, whether propelled by
5 motor, animal or human power. The term “vehicle” excludes City service
6 vehicles, baby strollers and wheelchairs.

7 (6) “Vessel” means any watercraft or other artificial contrivance used or
8 capable of being used as a means of transportation on water.

9 Section 4. RULES AND REGULATIONS.

10 (1) No person may disobey or fail to observe any rule or regulation set forth in
11 this Ordinance.

12 (2) No person may disobey a lawful direction made pursuant to this Ordinance
13 by the Director, any park attendant, guard, special officer authorized by
14 the Director, or law enforcement officer.

15 (3) Except as noted below, no person or entity may organize, advertise, or
16 invite participation for any gathering, activity or event that may reasonably
17 attract 50 or more participants (even if no exclusive use is requested)
18 unless they receive a permit from the Director. Director-approved park
19 improvement, maintenance or cleanup projects are excepted from this
20 requirement.

1 Section 5. SPECIAL USES AND AREAS.

2 (1) The Director may select and designate specific areas and facilities in any
3 park which may be limited to special uses, at all times or at certain times.

4 Special uses may require a permit in writing or a reservation. Fees shall
5 be established by Council resolution.

6 (2) Special uses may include, but are not limited to: Sports, games or other
7 recreational activities, picnics, assemblies, entertainments, exhibitions, and
8 weddings.

9 (3) Carlson Skate Park Regulations. In addition to the park regulations set
10 forth in this Ordinance, Carlson Skate Park is subject to the following
11 specific regulations:

12 (a) Permitted uses in the skate park surface include skateboards,
13 rollerblades, and BMX bikes, scooters and “Big Wheels” type
14 tricycles only – no foot traffic or motorized vehicles.

15 (b) The use of helmets is mandatory.

16 (c) Use or placement of additional obstacles or other materials
17 including, but not limited to, ramps, jumps, etc. are prohibited.

18 (d) Glass containers are prohibited.

19 (e) Food and/or drink is prohibited on or within five (5) feet of the
20 skate park surface.

1 (f) Use of Carlson Skate Park is prohibited if hazardous conditions
2 exist. Any damage/hazardous conditions must be reported to the
3 City of Keizer Parks Department.

4 (g) Use of skate park surface is prohibited when the surface is wet.

5 (4) Keizer Little League Park Usage.

6 (a) Any individuals not affiliated with groups or organized teams may
7 use the Park or individual fields at any time the Park is open if such
8 use does not interfere with the priority or reserved use, cause safety
9 concerns, or cause undue wear and tear in the City's reasonable
10 discretion.

11 Section 6. EXCLUSIVE USE OF PARKS OR FACILITIES.

12 (1) The Director shall maintain a list of reservable parks, park areas and park
13 facilities. A park, park area or park facility on the Director's list may be
14 reserved for the exclusive use of persons or groups, for a limited period,
15 upon issuance of a permit by the Director, subject to any reasonable
16 conditions (as stated in Section 7) imposed by the Council or the Director
17 and the payment of any fees that the Council may establish.

18 (2) No exclusive use of any park, park area or park facility may be made
19 unless the Director has issued a permit allowing the use and all conditions
20 imposed by the permit have been complied with.

1 (3) Exclusive use of the Keizer Little League Park shall only be granted
2 consistent with the current Park Management Agreement.

3 Section 7. PERMIT PROCEDURES AND CONDITIONS.

4 (1) No permit for the use of a park, park area or park facility listed on the
5 Director's list may be refused or limited, nor may any conditions be
6 attached to the grant or exercise thereof, for any reason not related to the
7 safe, reasonable and orderly use of park facilities.

8 (2) Each application for a permit must be received at a designated office in the
9 Department of Public Works. For events that the estimated attendance is
10 equal to or exceeds one hundred (100) persons, or is permitting
11 intoxicating beverages, or is permitting amplified sound, the permit must
12 be requested no less than sixty (60) days prior to the date of the event. For
13 all other events, the permit must be requested no less than thirty (30) days
14 prior to the date of the event. The Director may waive or reduce these
15 time requirements if it is determined that a waiver or reduction is in the
16 best interests of the citizens of the City. Upon granting a permit, the
17 Director may attach reasonable conditions thereto respecting the time,
18 place, manner, frequency, duration and maximum number of persons who
19 may attend the permitted event.

20

1 (3) The Director shall grant, deny, or condition each application for a permit
2 within fifteen (15) calendar days after the date of receipt of a complete
3 application, unless the time for a decision on the application has been
4 waived by the applicant. The decision granting or denying an application
5 shall be sent to the applicant at the address listed on the application. If
6 approved, the permit will be issued only when all pre-event conditions
7 have been met by the applicant. The applicant may not consider the
8 permit to have been granted until the permit is received.

9 (4) The Director may grant, deny, condition or limit a permit after having
10 considered the suitability of the area or facility for the number of persons
11 expected at the event, whether or not the activity proposed is a legal use
12 thereof, the impact of the proposed use upon public property, the effect of
13 the proposed use upon the peaceful enjoyment of the park by members of
14 the public attending and those not attending the event, the effect of the
15 proposed use upon the peace and convenience of members of the public
16 using private or public property or the public streets in the vicinity of the
17 park or park facility, the public health and safety, any traffic or parking
18 problems which may be caused by attendance at the event and the
19 equitable sharing of the use of the park or park facility. The Director is
20 specifically authorized to attach reasonable restrictions and conditions to

activities to occur at the event, including but not limited to, restrictions on fires, amplified sound, dancing, sports, the use or presence of animals, the use of equipment or vehicles, the number of persons to be present, the location of any bandstand or stage within a specific park area, or the creation of any sounds, smoke, light, smell or any other thing which appears likely to create any unreasonable risk of harm or substantial annoyance to any person using the park or park facility or to the public, or damage to any public or private property. Violation of any of the terms and conditions of any permit by the permittee, or any agent, servant or employee of permittee, is cause for immediate suspension or revocation of the permit by the Director.

(5) The Director may require in connection with a permit that adequate security be furnished by the permittee and that the permittee provide additional sanitary facilities, refuse receptacles, or make any other reasonable arrangements, based on the type of activity for which the permit is requested.

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- 1 (6) The Director shall refuse to grant a permit where conditions cannot be met
2 or are not accepted. The applicant must agree to provide a means of
3 informing all of the persons participating in the proposed event of the
4 terms and conditions of the permit applicable to the appropriate
5 participants.
- 6 (7) No permit for a park or park facility is transferable without the consent in
7 writing of the Director.
- 8 (8) All fees, deposits or other amounts shall be paid by the applicant when
9 required by the Director. If such amounts are not paid when required, then
10 the permit shall not be issued.
- 11 (9) Each person to whom a permit has been granted must agree in writing,
12 upon request from the Director, to indemnify and hold the City, its
13 officers, agents and employees, harmless from any and all liability for
14 injury to persons or property occurring as a result of the permitted event.
15 The permittee shall be liable to the City for any and all damage to the park
16 and park facilities which results from any act or omission of the permittee
17 or is caused by any participant in the event.
- 18 (10) Each person to whom a permit is granted must agree in writing, upon
19 request from the Director, to waive all claims or causes of action against
20 the City, its officers, employees or agents which the permittee may have

1 for injury to person or property of any type arising from the permittee's
2 use of the reserved park or park facilities, except for the active affirmative
3 negligence or willful act of the City, its officers, employees or agents, and
4 to which the person to whom a permit or reservation is granted in no way
5 contributed, either directly or through any other person, agent, partner,
6 contractor or associate.

7 (11) If the proposed use of a park or park facilities involves risk of damage or
8 injury to persons or to property of others, the Director will require the
9 permittee to obtain a policy of commercial general liability insurance with
10 terms and limits of liability as determined by the Director to be appropriate
11 for the activity for which the permit is requested. The policy shall name
12 the City, its officers, agents and employees, as insureds, and shall insure
13 the insureds against all claims, suits and demands of any and all persons
14 for injury, including death or damage sustained by any person or persons
15 arising out of any act or omission of the permittee related to the use of the
16 park or park facility. The Director must approve any policy issued
17 pursuant to this section.

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1 (12) The permittee shall have a copy of the permit on site during the event, and
2 must present the permit upon the request of the Director, any park
3 attendant, guard, special officer authorized by the Director, or law
4 enforcement officer.

5 (13) It is unlawful for a person to conduct any business or to place any booth,
6 table, chair, stool, structure, vehicle, or piece of equipment in any portion
7 of a park for which a park permit has been issued without the consent of
8 the permittee. This subsection shall not apply to persons acting under the
9 direction or control of City.

10 Section 8. NONPUBLIC AREAS – POSTING REQUIRED – ENTERING OR
11 DAMAGING PROPERTY PROHIBITED.
12

13 (1) By posting appropriate notices, the Director may exclude the public from
14 or limit use of, any road, area, building, lands, trail, natural feature, water
15 area or facility in a park which is used for access, storage, parking, shop,
16 office, residence or utility purposes, or other park or recreational use, or
17 any combination thereof, whenever public access to the same will
18 endanger the public health or safety, interfere with such use, or cause
19 damage to public property or natural resources. The Director may also by
20 appropriate means exclude the public from the place of any construction,
21 repair or demolition activity. No person may enter or remain or permit any
22

1 person in their control to enter or remain in any part of a park when the
2 park is closed to the public, unless authorized to do so by the Director.

- 3 (2) No unauthorized person may unlock, open, remove, move or tamper with
4 any gate, door, window, ventilator, skylight, screen, grate, fence, lock or
5 barrier, or any other thing maintained by the City to exclude the public
6 from a park or portion thereof, or tamper with, remove or deface any sign,
7 legend or other notice designating the same as dangerous or prohibiting
8 entry therein.

9 Section 9. ENTERTAINMENT – PERMIT REQUIRED.

- 10 (1) Except as set forth below, no person or group may give any exhibition,
11 show, play, entertainment, performance, dance or concert, or project any
12 still or moving pictures in any park without first having obtained a permit
13 from the Director. Any individuals or groups may use the Keizer Rotary
14 Amphitheatre, the Claggett Creek Park shelter and the Chalmers Jones
15 Park gazebo to give any exhibition, show, play, entertainment,
16 performance, dance or concert on a first-come, first-served basis at any
17 time such facility is open if such use does not interfere with the priority or
18 permitted use, cause safety concerns, and is not likely to interfere with the
19 enjoyment of the adjacent park users or property in the vicinity of the
20 event. Any event involving electrical service use, amplified sound or

1 projection of still or moving pictures must obtain a permit from the
2 Director.

3 (2) The Director may issue a permit for an event described in section 9(1)
4 above if it is found that the use is not likely to interfere with the enjoyment
5 of the park by any other person or persons using the park or property in the
6 vicinity of the location of the proposed event, and is not likely to cause
7 unreasonable damage to park facilities. The Director may attach
8 reasonable conditions as to time, place, manner, frequency and duration of
9 permitted events so that the health, safety, convenience and enjoyment of
10 any persons not attending the event may not be unreasonably affected, and
11 to protect park facilities from unreasonable damage.

12 (3) The requirements of Section 7 herein concerning permit procedures and
13 conditions apply to permits issued under this section.

14 Section 10. EXCLUSION OR REMOVAL OF CERTAIN ACTIVITIES, ANIMALS
15 OR MATERIALS.
16

17 The Director or any law enforcement officer may exclude, remove or require to be
18 removed from a park any animal, vehicle, equipment, activity, thing or material, the use
19 or presence of which is likely to:

20 (1) Cause an unreasonable risk of harm or danger to any person or damage to
21 any real or personal property;

22 (2) Cause any unreasonable burden of maintenance or cleanup.

1 Section 11. VEHICLES – OPERATION AND PARKING PROCEDURES AND
2 RESTRICTIONS.

3
4 (1) No person may stop, park, or leave standing or unattended any vehicle,
5 trailer or boat in any park, except in an area or space designated for
6 parking of such objects, or upon any portion of any street or highway upon
7 which the parking of such objects is permitted, or in excess of the time
8 prescribed therefore by any City ordinance or permit/order issued by the
9 Director. No person may stop, park or leave standing or unattended any
10 vehicle, trailer or boat in any area or space designated for parking of such
11 objects by the Director so that any part of such object is within the right-
12 of-way of any street or highway within the limits of any park. The Director
13 is hereby directed to post signs giving notice hereof in those portions of
14 parks as may be affected hereby.

15 (2) No person may operate a vehicle, except as authorized by the Director, in
16 any park except upon a publicly owned road or trail which is open for
17 public vehicular traffic within the park. No person may operate any
18 vehicle on any park road or trail at a speed greater than the speed limit
19 established by the Director and posted on the road or trail, or if no speed is
20 posted, at a speed greater than ten miles per hour.

21 (3) No person may wash, wax, dismantle or repair any vehicle, trailer, boat or
22 other equipment, or remove any lubricant from any vehicle, trailer, boat or

1 other equipment, or otherwise service any vehicle, trailer, boat or other
2 equipment, in any park except for emergency repairs or as authorized by
3 the Director.

4 (4) No person may take into or operate or park or leave standing within any
5 park any mechanically defective vehicle, trailer or boat, or any type
6 vehicle that is in violation of City Ordinance or any provision of the
7 Oregon Vehicle Code relating to mechanical requirements or safety of
8 vehicles.

9 (5) No person may leave standing any vehicle, trailer or boat in any park at
10 any time when the park or portion thereof is closed to the public, unless
11 authorized in writing by the Director to do so, with the exception of
12 vehicles left at the Keizer Rapids Park boat ramp parking lot in connection
13 with overnight or multi-day boat trips. In such instance, the vehicle
14 operator shall fill out a permit form and leave it on the dashboard of the
15 vehicle in plain view from outside the vehicle.

16 (6) Any law enforcement officer or security officer authorized by City may
17 remove from a park, in the manner provided and subject to the
18 requirements of the Oregon Vehicle Code, any vehicle, trailer or boat left
19 therein, or on any portion thereof, in violation of this section.
20

1 Section 12. ANIMALS AND PETS.

2 (1) The Director may establish a list of parks and/or areas within parks where
3 dogs are allowed. The list shall be a part of the City's park rules and
4 regulations. The Director's list shall indicate areas in which dogs may be
5 on-leash, off-leash or prohibited. The presence of other animals, unless
6 otherwise authorized in writing, is prohibited. The foregoing prohibitions
7 do not prevent any law enforcement officer in the performance of their
8 duty from possessing a police dog, or any person from utilizing a bona fide
9 assistance or guide dog, in any park, provided that the animal is at all
10 times in the control of the person. In all areas, owners shall gather and
11 properly dispose of all of their animals' feces.

12 (2) No person may set out food in any park for any wild animal, bird, fish or
13 reptile. No person may set out food in any park for a tame animal not in
14 the person's custody.

15 (3) No person may abandon any animal, bird, fish or reptile in any park.

16 (4) Except for fishing pursuant to all applicable regulations and licensing, no
17 person may capture, hunt, molest, or harm, or attempt to capture, hunt,
18 molest or harm, or administer or set out any bait or harmful substance for
19 any wild or domestic animal, reptile, fish or bird, nor remove nor have in
20 his possession the young, the eggs, or the nest of any animal, reptile or

bird found in the park. Persons who are authorized by the Director to do so may kill, poison, or control or trap any of the above-named creatures, subject to applicable state and federal law.

Section 13. FIRES.

(1) No person may kindle or maintain in any park any outdoor fire in any place other than in a designated fireplace or barbecue pit maintained by City or in a portable barbecue or camp stove used safely in a designated picnic or cooking area in a park, or in another location as may be authorized in writing by the Director.

(2) In kindling or maintaining an outdoor fire in any park, only charcoal briquettes, paper and wood may be used. Only manufacturer approved fuels shall be used in any camp stove.

(3) No person who kindles or maintains any outdoor fire in a park may leave the area where the fire is located without completely extinguishing the fire so that it is cold to the touch.

(4) If deemed necessary for public health and safety purposes in the sole discretion of the Director, any and all areas may be designated "No Fire" areas.

1 Section 14. SMOKING. No person may ignite, smoke or vape any tobacco, tobacco
2 product, legal or illegal drugs of any type, or any other material, in any area of any park
3 or park facility.

4 Section 15. INTOXICATING BEVERAGES. No person may possess or consume any
5 intoxicating beverage in any area of any park or park facility, except at Keizer Rapids
6 Park, and Chalmers Jones Park pursuant to permit authority. The Director may issue an
7 event permit allowing use of alcoholic beverages subject to the following conditions:

8 (1) Only individuals twenty-one (21) years of age or older may consume
9 alcohol in accordance with this policy.

10 (2) No person shall sell, give or otherwise make available any alcoholic
11 beverage to a person under the age of 21 years.

12 (3) No person shall sell, give or otherwise make available any alcoholic
13 beverage to any person who is visibly intoxicated.

14 (4) Alcoholic beverages are permitted only in the areas specifically delineated
15 in the permit. Permit conditions may include installing temporary fencing,
16 tape or other methods to delineate the areas within which alcoholic
17 beverages must be kept.

18 (5) Alcoholic beverages are allowed only in conjunction with a reserved event
19 and only pursuant to the permit conditions.

20

1 (6) Alcoholic beverages will be served only by a licensed server pursuant to
2 all Oregon Liquor Control Commission laws and regulations.

3 (7) The alcoholic beverage server must obtain a Temporary Sales License or
4 Temporary Use of an Annual License from the Oregon Liquor Control
5 Commission and shall provide a copy to City.

6 (8) The applicant shall, at its sole cost and expense, procure and maintain
7 through the term of the event a Comprehensive General Liability insurance
8 policy and Liquor Liability insurance policy in an amount to be
9 determined by the Director. The applicant shall provide to City a
10 certificate of insurance and endorsement adding the City, its employees,
11 agents and contractors as additional insured. As part of the event
12 reservation process, the applicant shall agree to defend, indemnify and
13 hold the City, its employees, agents and contractors from any and all
14 claims in connection with alcohol use on the premises.

15 (9) The Director may place reasonable conditions on the event to protect
16 persons and property.

17 Section 16. POWERED MODELS – OPERATION RESTRICTIONS.

18 (1) No person may operate in any park, any boat, car, rocket or other device
19 that is powered by a rocket motor or an internal combustion engine, except in an area and
20 at times as are designated for such use by the Director.

1 (2) Small unmanned aerial systems commonly referred to as drones may be
2 used in City parks. Operation of drones shall be done in accordance with Federal
3 Aviation Administration (FAA) regulations and Oregon Revised Statutes. Keizer may
4 establish “drone zones” where usage is encouraged so long as said usage is done in
5 compliance with FAA regulations and Oregon Revised Statutes.

6 Section 17. GOLF. No person may hit any golf ball in any park except in an area
7 designated for such use by the Director.

8 Section 18. DOING BUSINESS PROHIBITED. No person may practice or solicit for
9 any occupation, business or profession in any park, or sell or offer for sale therein any
10 service or merchandise unless pursuant to a contract/permit with City, or authorized by a
11 reservation permit.

12 Section 19. WATER POLLUTION. No person may throw, discharge or otherwise
13 deposit or cause or permit to be placed into the waters of any fountain, pond, lake,
14 stream, pool or any body of water in or adjacent to any park, or any tributary stream,
15 storm sewer, sanitary sewer or drain flowing into such waters, any substance, matter or
16 thing, that materially impairs the usefulness of the water for persons or the habitability of
17 the water for any animal, bird, fish or reptile that drinks, swims in or otherwise uses the
18 water.

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1 Section 20. GUNS, FIREARMS, DANGEROUS MATERIALS AND FIREWORKS.

2 (1) No person, except by permit issued pursuant to state law or as otherwise
3 authorized by law, may bring into a park or possess, use or discharge
4 therein any of the following items: Any firearm or ammunition, explosive,
5 incendiary bomb or material, fireworks (except as otherwise provided in
6 this section), or any weapons such as, but not limited to, air guns,
7 slingshots, bows/crossbows and arrows, or paint ball guns.

8 (2) No person shall shoot any of the above-described items into the park limits
9 from outside the limits of a park.

10 (3) No fireworks may be brought into or used in any park, except for
11 commercial firework displays approved in writing by the City Council.

12 Section 21. CONDUCT. Persons who willfully harass or interfere with any
13 government employee in the performance of his or her duties in a park, or who by their
14 conduct or by threatening or profane language annoy, willfully molest, unreasonably
15 interfere with the use of a park by any other person, who have committed a public
16 offense in a park, who operate any vessel in an unsafe manner or conduct themselves in
17 an unsafe manner, shall leave the park upon lawful order. Lawful orders can be made by
18 the Director, any park attendant, guard, special officer authorized by the Director, or law
19 enforcement officer. No person who has left the park premises after being ordered to do
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1 so may reenter the park until after eight a.m. of the next day. Persons who do so are
2 subject to arrest or citation.

3 Section 22. DAMAGING PARK PROPERTY. Unless authorized in writing by the
4 Director to do so, no person may:

5 (1) Pick, saw, chop, carve, cut, remove or damage any flowers, seeds, bark,
6 branches, twigs, leaves or blossoms of any tree, plant, shrub, vine, bush or
7 other vegetation in any park;

8 (2) Drive any nail, screw, bolt or staple into, or attach any wire, rope or other
9 fastening device to any tree or plant in any park;

10 (3) Mark, deface, damage, displace or remove any building, bridge, table,
11 chair, bench, fireplace, barrier, fence, railing, paving or paving material,
12 water pipe or light, or any sign, notice or placard, whether temporary or
13 permanent, or any cultural, natural or historic artifact, or monument stake,
14 post or other boundary marker, or any other structure, equipment, facility
15 or property, or part or appurtenance thereof whatsoever, in or from any
16 park;

17 (4) Cut or remove any sand, wood, turf, grass, gravel, stone or timber in or
18 from any park, or make any excavation by any tool, equipment, blasting or
19 by any other means in any park;

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1 (5) Paint, erect, mark, post or fasten on or to any tree, shrub, fence, wall,
2 building, monument or other property in any park any poster, bill,
3 advertisement, inscription, sign or display, except for temporary
4 directional signs which do not otherwise interfere with City-authorized
5 signage, directing participants to an event within the park. Temporary
6 directional signs shall be removed by event participants immediately
7 following the event.

8 (6) Take or operate a vehicle upon or over any lawn or landscaping in any
9 park except as allowed by approved event permit. City will determine
10 repair or replacement costs in event of damage.

11 Section 23. LITTERING. No person may deposit, drop or scatter any garbage, trash or
12 rubbish, including, but not limited to, any glass, cigars/cigarettes or remains, paper, cans,
13 ashes, leaves and cuttings, furniture, appliances or concrete in any park except in a
14 receptacle designed and placed to receive the same; nor may any person import into or
15 deposit in any park from any other place any garbage, trash or rubbish.

16 Section 24. CLOSING TIME – EMERGENCY CLOSING.

17 (1) Subject to the exception noted below, or unless modified by the Director,
18 all parks shall be open one-half (1/2) hour prior to sunrise to one-half (1/2)
19 hour after sunset as determined by the U.S. Naval Observatory
20 (Astronomical Applications Department), unless such Agency no longer

1 provides this service. In such case, the determination of the time of
2 sunrise and sunset shall be pursuant to the appropriate official
3 governmental agency. All amplified sound shall completely cease by 9:00
4 p.m., unless permitted by the Director during the permitting process. The
5 usage of the boat ramp and parking lot at Walsh's Landing in Keizer
6 Rapids Park for purposes of putting in or taking out a vessel are allowed
7 two hours before sunrise and one and a half hours after sunset.

8 (2) Entering or remaining after closing time:

9 (a) No person may enter or remain in any park or portion thereof at any
10 time when the same is closed to the public unless specifically
11 allowed in these regulations or authorized to do so by the Director
12 in writing.

13 (b) The Director shall, by appropriate signs or other means, give notice
14 of closing times, and may designate certain areas which will be
15 closed to the public at a regular closing time, regardless of whether
16 or not any outdoor or indoor event is being or is scheduled to be
17 conducted elsewhere in the park.

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1 (c) Persons may remain after closing time if camped in a specifically
2 designated camping area. The Director shall determine the
3 locations for such areas and a maximum number of nights and
4 maximum number of persons allowed.

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

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

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

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

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

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

4 (5) Emergency closing:

5 (a) The Council, the Director, or the Chief of Police, or their
6 authorized representatives, may direct any park or designated
7 portion thereof to be closed at certain times or from time to time if
8 the closing is reasonably necessary for the proper conduct of any
9 activity by City, to protect public property or natural resources
10 within a park or any private or public property or natural resources
11 in the vicinity of a park from damage, or to preserve the public
12 peace or safety in a park or portion of a park or in the vicinity
13 thereof.

14 (b) When a park or portion thereof is closed to the public, pursuant to
15 the above authority or any other proper authority, no person may
16 enter the park or closed portion thereof after notice of closing or
17 fail or refuse to promptly leave the park when requested to do so by
18 the Director, any park attendant, guard, special officer authorized
19 by the Director, or law enforcement officer.

20

1 Section 25. VESSELS.

- 2 (1) For parks located adjacent to the Willamette River, any vessel must be
3 operated in accordance with all applicable county, state and federal
4 regulations.

5 Section 26. VIOLATIONS. Violations of this Ordinance shall have the following base
6 fine amounts:

- 7 (1) Section 5, Subsection 3: \$100.00 (Carlson Skate Park violations).
8 (2) Section 6, Subsection 2: \$200.00 (no exclusive use unless issued a permit).
9 (3) Section 7, Subsection 13: \$200.00 (placement of booth, table, chair, stool,
10 structure, vehicle, or piece of equipment in any portion of a park for which
11 a park permit has been issued without the consent of the permittee).
12 (4) Section 8, Subsection 1: \$200.00 (entering or remaining in park closed to
13 public).
14 (5) Section 8, Subsection 2: \$500.00 (unlocking, opening, removing, moving,
15 or tampering with gate, door, window, ventilator, skylight, screen, grate,
16 fence, lock or barrier to exclude public from park or portion thereof, or
17 tampering with, removing or defacing any sign, legend or other notice
18 designating dangerous or prohibiting entry).
19 (6) Section 9: \$200.00 (entertainment).

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- 1 (7) Section 11: \$200.00 (vehicles – operation and parking procedures and
2 restrictions).
- 3 (8) Section 12, Subsections 1 and 2: \$200.00 (leash law, allowance of
4 animals, and setting out food in park for animals).
- 5 (9) Section 12, Subsections 3 and 4: \$300.00 (abandoning animal in park,
6 capturing, hunting, molesting, harming, or attempting to capture, hunt,
7 molest or harm animals, and possession of the young, the eggs, or the nest
8 of any animal).
- 9 (10) Section 13: \$500.00 (fires).
- 10 (11) Section 14: \$200.00 (smoking).
- 11 (12) Section 15: \$200.00 (intoxicating beverages).
- 12 (13) Section 16: \$150.00 (powered models).
- 13 (14) Section 17: \$150.00 (golf).
- 14 (15) Section 18: \$200.00 (doing business).
- 15 (16) Section 19: \$500.00 (water pollution).
- 16 (17) Section 20: \$500.00 (guns, firearms, dangerous materials and fireworks).
- 17 (18) Section 22: \$500.00 (damaging park property).
- 18 (19) Section 23: \$150.00 (littering).
- 19 (20) Section 24: \$300.00 (closing time – emergency closing).
- 20 (21) Section 25: \$200.00 (vessels).

1 (22) Enforcement of any violation under this Ordinance shall be accomplished
2 through the Keizer Civil Infraction Ordinance. The base fine amount shall
3 be the maximum fine. The minimum fine shall be 50% of the base fine
4 amount.

5 (23) In addition to enforcement noted above, violators may be excluded from
6 the park up to one hundred twenty (120) days if the municipal court finds
7 there is a reasonable likelihood for repeat violations.

8 Section 27. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or
9 portion of this Ordinance is for any reason held invalid or unconstitutional, or is denied
10 acknowledgment by any court or board of competent jurisdiction, then such portion shall
11 be deemed a separate, distinct, and independent provision and such holding shall not
12 affect the validity of the remaining portions hereof.

13 Section 28. REPEAL OF ORDINANCE NO. 2010-618 AND ORDINANCE NO.
14 2013-679. Ordinance No. 2010-618 (Establishing Keizer Parks Regulations) and
15 Ordinance No. 2013-679 (Amending Keizer Parks Regulations) are hereby repealed in
16 their entirety.

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1 Section 29. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after
2 its passage.

3 PASSED this _____ day of _____, 2018.

4 SIGNED this _____ day of _____, 2018.

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Mayor

City Recorder

CITY COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RESOLUTION ESTABLISHING KEIZER PARK USE FEES

Council adopted Resolution R2010-2006 on January 4, 2010 establishing the Keizer Park Use Fees. The rates established in Resolution R2010-2006 were recommended by the Keizer Rotary Amphitheatre Task Force and the automatic adjustment clause was inadvertently excluded. Therefore, the automatic adjustment clause was added by Resolution R2012-2229.1 on April 16, 2012. The automatic adjustment clause did not include rounding in the methodology. Therefore, the rounding was added by Resolution R2015-2619 on September 8, 2015.

It has been several years since the fees have been reviewed and more events are requesting the exclusive use of park areas that do not include shelters, temporary structures or facilities that are constructed. The current fees do not have a category for these requests. It is appropriate at this time for the Council to review the fees for park uses (see attached comparison). I have prepared a 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 attached Resolution.

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

ESJ/tmh

PARK FEE COMPARISON

	2017	2018
Park Amenities (except Amphitheater)	\$39.00 – 2 hrs	\$40.00 – 2 hrs
	\$13.00 hour	\$15.00 hour
Park Areas	None	\$100.00 – 2 hrs
		\$50.00 hour
Sport Field	\$78.00 – 2 hrs	\$80.00 – 2 hrs
	\$39.00 hour	\$40.00 hour
	\$390.00 day	\$400.00 day
Amphitheatre	\$78.00 – 2 hrs	\$160.00 – 4 hrs
	\$39.00 hour	\$40.00 hour
Ticketed Event	\$117.00 – 3 hrs	\$160.00 – 4 hrs
	\$39.00 hour	\$40.00 hour
	Or 10%	Or 10%
Electrical Power – Amphitheatre	\$11.00 ½ day \$22.00 full day	\$20.00 day
Electrical Power – Chambers Jones	None	\$20.00 day
Application Fee	\$56.00	\$60.00

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2018-_____

3 ESTABLISHING KEIZER PARK USE FEES; **REPEALING**
4 **RESOLUTION R2010-2006, RESOLUTION R2012-2229.1**
5 **AND RESOLUTION R2015-2619**
6

7 WHEREAS, Keizer Parks Regulations provide for use fees to be set by resolution;

8 WHEREAS, Resolution R2010-2006 set such fees;

9 WHEREAS, Resolution R2012-2229.1 revised such fees;

10 WHEREAS, Resolution R2016-2619 revised such fees;

11 WHEREAS, the City Council of the City of Keizer wishes to amend the Keizer
12 Park Use Fees;

13 NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer that park use fees
15 for reserved exclusive use shall be as follows:

16 Section 1. \$40.00 minimum for two (2) hours and then \$15.00 per hour for
17 each additional hour for park areas in which any shelters, temporary structures or
18 facilities are constructed, except for the Keizer Rotary Amphitheater.

19 Section 2. \$100.00 minimum for two (2) hours and then \$50.00 per hour for
20 each additional hour for park areas that do not include shelters, temporary structures or
21 constructed facilities in which an event is reserved for exclusive use by private parties,
22 non-profit entities, or organizations benefiting the City of Keizer community.

1 Section 3. \$80.00 minimum for two (2) hours and then \$40.00 per hour for
2 each additional hour up to a maximum of \$400.00 per day for any single sport field
3 reserved for organized events organized by private parties, non-profit entities, or
4 organizations benefiting the City of Keizer community.

5 Section 4. \$160.00 minimum for four (4) hours and then \$40.00 per hour for
6 each additional hour reserved for any events organized at the Keizer Rotary
7 Amphitheatre by private parties, non-profit entities, or organizations benefiting the City
8 of Keizer community.

9 Section 5. \$160.00 minimum for four (4) hours and then \$40.00 per hour for
10 each additional hour or ten percent (10%) of ticket sales, whichever is greater, for any
11 single organized events at the Keizer Rotary Amphitheatre by private parties, non-profit
12 entities, for-profit organizations or organizations benefiting the City of Keizer
13 community.

14 Section 6. In addition to the use fees set forth above, there shall be a fee of
15 \$20.00 a day for any organized events at the Keizer Rotary Amphitheatre that require
16 electrical power. The City Manager or designee is authorized to establish fees for any
17 additional amenities, such as tables, additional labor charges, or equipment.

18 ///

19 ///

20 ///

1 Section 7. In addition to the use fees set forth above, there shall be a fee of
2 \$20.00 a day for any organized events at Chambers Jones Park that require electrical
3 power. The City Manager or designee is authorized to establish fees for any additional
4 amenities, such as tables, additional labor charges, or equipment.

5 Section 8. In addition to the use fees set forth above, there shall be a permit
6 application fee submitted in the amount of \$60.00. If the event is cancelled within city
7 regulations (see below) or the event permit denied, the use fees shall be refunded. The
8 permit application fee shall only be refunded if the event permit is denied.

9 Section 9. Use fees shall be refunded in full if the event is cancelled thirty or
10 more days prior to the date of the event. Such cancellation shall be in writing to the City
11 and must be confirmed by the City in order to receive a refund. The City Manager or
12 designee is authorized to establish appropriate procedures and process as set forth in the
13 Use Agreement signed by all users. In additional, the City Manager or designee is
14 authorized to establish other fees such as a refundable deposit.

15 Section 10. The process set forth herein shall be followed instead of the process
16 set forth in the Parade/Special Event Ordinance (Ordinance No. 2000-419).

17 Section 11. Waiver of Fees. At the discretion of the City Manager or the City
18 Manager's designee, fees may be waived for City of Keizer sponsored events, and for
19 State of Oregon approved schools when requesting a park for educational use.

20

1 At the discretion of the City Manager or the City Manager’s designee, park
2 materials or services may be accepted in lieu of all or part of the applicable park
3 reservation fee.

4 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that this
5 Resolution shall take effect immediately upon its passage.

6 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
7 fees established herein shall automatically be adjusted every three years using the
8 Portland Consumer Price Index for Wage Earners beginning July 2021.

9 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
10 automatic adjustments be rounded pursuant to the following methodology:

- 11 1. Fees that are one dollar or less shall be rounded to the
12 nearest cent.
- 13 2. Fees that are over one dollar and up to ten dollars shall be
14 rounded to the nearest five cent increment.
- 15 3. Fees over ten dollars and up to one hundred dollars shall
16 be rounded to the nearest whole dollar.
- 17 4. Fees over one hundred dollars shall be rounded to the
18 nearest five dollar increment.
- 19 5. When an indexed fee is half way or more between the
20 lower increment and the higher increment, the fee will be
21 increased to the next increment.
- 22 6. When an indexed fee is less than half way between the
23 lower increment and the higher increment, the fee will be set
24 to the lower increment.

25
26

27

1 BE IT FURTHER RESOLVED that Resolution R2010-2006, Resolution R2012-
2 2229.1, and Resolution R2015-2619 are hereby repealed in their entirety.

3 PASSED this _____ day of _____, 2018.

4 SIGNED this _____ day of _____, 2018.

5

6

7

8

9

10

Mayor

City Recorder

CITY COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: POLICE VEHICLE PURCHASE – PATROL VEHICLES

BACKGROUND:

At the May 7, 2018 and June 4, 2018 City Council meeting, the City Council authorized the City Manager to issue purchase orders to acquire a total of four Ford K8A AWD Police Interceptor Utility vehicles. Upon submitting the purchase orders to the dealer the City was informed that due to the extensive lead time to build the vehicles the manufacturer is no longer accepting orders for the 2018 model year.

In lieu of the previous purchase staff has identified that the 2019 comparable model, the Ford K8B Explorer 4WD Base Vehicle, will meet the Police Departments needs and is available utilizing the State of Oregon purchasing contract number 5551 with Gresham Ford.

FISCAL IMPACT:

The acquisition of the vehicles for \$117,898.56 is included in the 2018-19 Adopted City of Keizer budget.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution authorizing the City Manager to issue a purchase order to Gresham Ford for the acquisition of four Ford K8B 4WD Base Vehicles using the State of Oregon purchasing contract number 5551.

Please contact me with any questions or concerns.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2018-____

4
5 AUTHORIZING THE CITY MANAGER TO PURCHASE FOUR
6 FORD K8B EXPLORER 4WD BASE VEHICLES FOR POLICE
7 DEPARTMENT; **REPEAL OF RESOLUTION R2018-2863 AND**
8 **RESOLUTION R2018-2870**
9

10 WHEREAS, the City of Keizer budgeted funds in the 2018-2019 Police

11 Services Fee to purchase additional patrol vehicles;

12 WHEREAS, the City Council authorized the purchase of one Ford K8A AWD

13 Police Interceptor Utility vehicle by Resolution R2018-2863;

14 WHEREAS, the City Council authorized the purchase of three Ford K8A AWD

15 Police Interceptor Utility vehicles by Resolution R2018-2870;

16 WHEREAS, upon submittal of the purchase orders, it was determined that the

17 2018 models were no longer available;

18 WHEREAS, it has been determined that Ford K8B Explorer 4WD Base

19 vehicles meet the needs of the Police Department;

20 WHEREAS, the City has determined procurement through the Oregon

21 Cooperative Procurement Program (ORCPP) provided the best price of \$29,474.64

22 each from Gresham Ford;

23 WHEREAS, State of Oregon Contract No. 5551 authorizes ORCPP participants

24 to purchase vehicles from Gresham Ford by issuance of a Purchase Order;

25 NOW, THEREFORE,

1 BE IT RESOLVED by the City Council of the City of Keizer that the City
2 Manager is hereby authorized to purchase four Ford K8B Explorer 4WD Base vehicles
3 from Gresham Ford for a total purchase price of \$117,898.56 by issuing a Purchase
4 Order containing the mandatory language as shown on the attached exhibit.

5 BE IT FURTHER RESOLVED that the City Manager is authorized to take any
6 and all necessary acts to effectuate the purchase of the vehicle.

7 BE IT FURTHER RESOLVED that Resolution R2018-2863 and Resolution
8 R2018-2870 are hereby repealed in their entirety.

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

11 PASSED this _____ day of _____, 2018.

12
13 SIGNED this _____ day of _____, 2018.

14

15

16

Mayor

17

18

19

City Recorder



City of Keizer

PO Box 21000
Keizer OR 97307-1000
Phone: 503-390-3713

PURCHASE ORDER

Number
18-6-22

TO:
Gresham Ford
1999 East Powell Blvd.
Gresham, OR 97080

SHIP TO:
Lt. Lance Inman
Keizer Police Dept
930 Chemawa Rd NE
Keizer OR 97303

PLEASE ENTER OUR ORDER FOR THE FOLLOWING:

DATE REQUIRED	SHIP VIA	TERMS 30 NET	ACCOUNT OR JOB NO.	ORDER DATE	
QUANTITY	DESCRIPTION		UNIT PRICE	AMOUNT	
4	K8B Explorer 4WD Base vehicle as specified in attached quote.		29,474.64	117,898.56	
	This purchase order, in addition to any exhibits or addenda				
	Attached is placed against State of Oregon Price Agreement #5551.				
	The terms and conditions contained in the Price Agreement apply				
	to this purchase and take precedence over all other conflicting terms				
	and conditions, express or implied. There are no understandings,				
	agreements or representations, oral or written, not specified herein.				

PLEASE ACKNOWLEDGE IMMEDIATELY AND STATE WHEN YOU WILL SHIP – OUR ORDER NO. MUST APPEAR ON ALL RELATED PACKAGES AND FORMS

Christopher C. Eppley, Purchasing Agent

BILLING ADDRESS IS:

PO BOX 21000
KEIZER OR 97307

**Paul Blankenship**

Government and Commercial Fleet Manager

Military Deliveries

State of Oregon Contract #5551

Cell: 503.490.6510

Office: 503.665.0101

Fax: 503.665.0497

Paul@GreshamFord.com

Quoted to:	City of Keizer			
	Lt. Lance Inman			
Cell/Phone		Date Quoted	6/18/2018	Contract FIN
FAX		This Quote is per one vehicle		QS045
E-Mail				

Vehicle Quoted:	Model Code	K8B Explorer 4WD Base
	Model Year	2019

Quote:	Item Code	Item Description	Price
Base	K8B Explorer 4WD Base		\$ 28,600.00
WB	12.6	In. Wheel Base	incl.
GVRW		GVRW	
Color	UM	Agate Black	incl.
Interior	9	Cloth Buckets/Vinyl Rear	incl.
Interior Color	W	Ebony Interior	incl.
Trim	500A	Equip Group, Premium Single CD	incl.
Engine	99R	3.7L V6 TIVCT	incl.
Transmission	44C	6-Spd Automatic Transmission	incl.
Emissions	422	Calif Emissions	incl.
	51T	Driver LED Spot lamp Whelen	\$ 399.00
	53M	SYNC System	\$ 280.00
	59E	Key Code E - 1435X	\$ 49.00
	153	Front License Plate Bracket	incl.

Note Last day to order the 2019 model year is September 21st
 Ford is rolling out the 2020 Police Utility Hybrid once the
 2019 closes out in September. Pricing for the Police Utility
 Hybrid has not been released.

Note G1 Shadow Black paint has been replaced by UM Agate Black.

	Cost of Vehicle	\$ 29,328.00
	Oregon Vehicle Privilege Tax	\$ 146.64
	E-Plates	\$ -
	Delivered to	
	Total Vehicle Quote	\$ 29,474.64

COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

**THROUGH: JOHN TEAGUE
CHIEF OF POLICE**

SUBJECT: SURPLUS OF POLICE VEHICLE

ISSUE:

The City of Keizer owns the following vehicle that is of no further use to the Keizer Police Department:

2007 Ford Five Hundred, VIN 1FAHP24197G141847. This vehicle was formerly assigned to the Investigations Unit and is currently one of two pool cars. It has an estimated auction value of \$2,500.

RECOMMENDATION:

Authorize the vehicle to be auctioned following the procedures set forth in Surplus Property Ordinance 2008-579. Proceeds of the surplus vehicle sales to be transferred to Police Miscellaneous Revenue.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2018-_____

4
5 AUTHORIZING DISPOSITION OF SURPLUS PROPERTY
6 (POLICE DEPARTMENT VEHICLE)
7

8 WHEREAS, Ordinance No. 2008-579 allows for surplus property to be disposed of;

9 WHEREAS, the Keizer Police Department 2007 Ford Five Hundred, VIN
10 1FAHP24197G141847 valued at \$2,500 has been identified as being of no further use for
11 public purposes;

12 WHEREAS, the above referenced Ordinance allows the disposal of City-owned
13 surplus property by several methods, including any method that in the City's discretion is in
14 the best interests of the City;

15 WHEREAS, staff has recommended the disposal of the above described vehicles as
16 surplus property because they are no longer useful or needed;

17 WHEREAS, the City Manager approves of the disposal of the described vehicles as
18 surplus property;

19 NOW, THEREFORE,

20 BE IT RESOLVED that the City Council of the City of Keizer declares the Keizer
21 Police Department 2007 Ford Five Hundred, VIN 1FAHP24197G141847 valued at \$2,500 to
22 be surplus property.

23 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
24 Keizer Police Department 2007 Ford Five Hundred, VIN 1FAHP24197G141847 valued at
25 \$2,500 be disposed of by auctioning as allowed under the procedures set forth in Ordinance
26 No. 2008-579.

1 BE IT FURTHER RESOLVED that the City Manager is authorized to take any and
2 all necessary acts to effectuate the disposal of the surplus property.

3 BE IT FURTHER RESOLVED that the proceeds of the surplus property shall be
4 applied to the police miscellaneous revenue in the General Fund.

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

7 PASSED this _____ day of _____, 2018.

8

9 SIGNED this _____ day of _____, 2018.

10

11

12

13

14

15

16

Mayor

City Recorder

CITY COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: RESOLUTION AUTHORIZING CITY MANAGER TO SIGN
SECOND AMENDMENT AND FIRST EXTENSION OF
CUSTODIAL SERVICES CONTRACT**

The City has a contract with Willamette Valley Rehabilitation Center, Inc. for custodial services. The contract is set to expire on June 30, 2018, but allows for two (2) one-year extensions. The parties desire to extend the contract for its first one year extension extending the contract to June 30, 2019. In addition, Willamette Valley Rehabilitation Center, Inc. has requested an increase in compensation from \$68,482.56 per year to \$71,802.98 per year. The increase has been budgeted in the 2018-19 budget.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to sign the second amendment and first extension of the custodial service contract.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2018-____

4
5 AUTHORIZING CITY MANAGER TO SIGN SECOND
6 AMENDMENT AND FIRST EXTENSION OF CITY OF KEIZER
7 CUSTODIAL SERVICES CONTRACT WITH WILLAMETTE
8 VALLEY REHABILITATION CENTER, INC.
9

10 WHEREAS, the City and Willamette Valley Rehabilitation Center, Inc. entered
11 into a Custodial Services Contract effective July 1, 2015;

12 WHEREAS, the parties entered into an Amendment of Custodial Service Contract
13 effective July 1, 2016;

14 WHEREAS, the Contract allows for two (2) one-year extensions if agreed to in
15 writing;

16 WHEREAS, the Contract allows for a price adjustment during the annual renewal
17 of the Contract;

18 WHEREAS, the City and Willamette Valley Rehabilitation Center, Inc. wish to
19 extend such Contract to June 30, 2019;

20 WHEREAS, Willamette Valley Rehabilitation Center, Inc. has requested an
21 amendment to the existing Contract to amend the consideration paid for services
22 rendered;

23 NOW, THEREFORE,

24 BE IT RESOLVED by the City Council of the City of Keizer that the City
25 Manager is authorized to sign the attached Second Amendment and First Extension of

1 City of Keizer Custodial Services Contract with Willamette Valley Rehabilitation
2 Center, Inc.

3 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
4 City Manager is authorized to take such further action as required under state law.

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

7 PASSED this _____ day of _____, 2018.

8

9 SIGNED this _____ day of _____, 2018.

10

11

12

Mayor

13

14

15

City Recorder

**SECOND AMENDMENT AND FIRST EXTENSION OF
CUSTODIAL SERVICES CONTRACT
BETWEEN
WILLAMETTE VALLEY REHABILITATION CENTER, INC.
AND THE
CITY OF KEIZER**

THIS FIRST EXTENSION AGREEMENT is made and entered into this 1st day of July, 2018, by and between the CITY OF KEIZER, an Oregon municipal corporation, hereinafter referred to as the "City," and WILLAMETTE VALLEY REHABILITATION CENTER, INC., hereinafter referred to as "Contractor."

RECITALS:

WHEREAS, the parties named above entered into that certain City of Keizer Custodial Services Contract effective July 1, 2015;

WHEREAS, the parties entered into that certain Amendment of Custodial Services Contract that adopted a price adjustment effective July 1, 2016;

WHEREAS, the Contract allows for two (2) one-year extensions if the parties agree in writing;

WHEREAS, the Contract allows for a price adjustment during the renewal of the Contract;

WHEREAS, Willamette Valley Rehabilitation Center, Inc. has requested that a price adjustment be granted;

WHEREAS, the parties have agreed to extend and amend the Contract as set forth below;

NOW, THEREFORE, in consideration of the mutual promises contained in the Custodial Services Contract, Amendment of Custodial Services Contract, and herein, the parties agree as follows:

AGREEMENT:

SECTION 1. EFFECTIVE DATE.

Pursuant to Section 1 of the Custodial Services Contract effective July 1, 2015, the parties agree to extend such Contract to June 30, 2019. There can be no more than one (1) one-year extension remaining under the terms of the Contract.

SECTION 2. PRICE ADJUSTMENT.

Pursuant to Section 3(c) of the City of Keizer Custodial Services Contract effective July 1, 2015, the parties agree that a price adjustment is necessary and that the attached "Request for Price Approval" shall replace all previous price approvals between the parties.

SECTION 3. CONTRACT TO REMAIN IN FORCE.

Except as specifically amended herein, all other terms of the Custodial Services Contract effective July 1, 2015 shall remain in full force and effect. The Amendment of Custodial Services Contract effective July 1, 2016 is terminated and replaced by this Second Amendment.

SECTION 4. SIGNATURES.

Facsimile or electronic transmission of any signed original document, and retransmission of any signed facsimile or electronic transmission, shall be the same as delivery of an original. At the request of either party, the parties shall confirm facsimile or electronic transmitted signatures by signing an original document.

Dated:_____

THE CITY OF KEIZER,
an Oregon municipal corporation

By:_____
Christopher C. Eppley,
City Manager

Dated:_____

WILLAMETTE VALLEY
REHABILITATION CENTER, INC.

By:_____
Tom Nelson,
Contract Services Manager



DEPARTMENT OF ADMINISTRATIVE SERVICES
Request for Price Approval

For CUSTODIAL SERVICES, Contract # _____
(Product or Service)

Total Price: \$ 71,802.98, per Year (month, year, each, doz.)

Requesting Agency: City of Keizer

Requesting QRF: WILLAMETTE VALLEY REHABILITATION CENTER, INC.

Agency and QRF agree the proposed price and supporting
documentation meets the requirements of OAR 125-055-0030.

[Signature], date: 6/15/18
Authorized Agency Signature

Lawyer@keizer.org, phone # 503-390-3700
Email Address

[Signature], date: 6/15/18
Authorized QRF Signature

tomn@wvrc.org, phone # 541-258-8121
Email Address

DAS has reviewed the submitted documentation supporting the price
offered by the QRF and approves the price for procurement of the
above stated product or service in accordance with OAR 125-055-0030.

[Signature], date: 6/18/2018
DAS QRF Coordinator

COUNCIL MEETING: July 2, 2018

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**SUBJECT: INITIATING SUMMERVIEW ESTATES STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Summerview Estates Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on June 8, 2018 by the developer of Summerview Estates to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution Initiating Summerview Estates Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2018-____

4
5 **DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING**
6 **LOCAL IMPROVEMENT DISTRICT (SUMMerview ESTATES) AND DIRECTING THE**
7 **CITY ENGINEER TO MAKE A SURVEY AND FILE A WRITTEN REPORT WITH THE CITY**
8 **RECORDER**
9

10 WHEREAS, the City Council of the City of Keizer has received a petition from the
11 developer to initiate a street lighting district in the Summerview Estates development in
12 the City of Keizer, Oregon; and

13 WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of
14 land owner comprising two-thirds of the property to be included within Summerview
15 Estates Street Lighting District have requested the formation of the district; NOW,
16 THEREFORE,

17 BE IT RESOLVED by the City Council of the City of Keizer that:

- 18 1. The City Council declares its intent to initiate Summerview Estates Street
19 Lighting Local Improvement District;
- 20 2. The map attached hereto, marked Exhibit "A", and by this reference
21 incorporated herein sets forth the proposed boundaries of the district;
- 22 3. The City Engineer is hereby directed to make a survey of the District;
- 23 4. The City Engineer shall file a written report with the City Recorder on or
24 before August 6, 2018.

25 PASSED this ____ day of _____, 2018.

26 SIGNED this ____ day of _____, 2018.

27
28 _____
29 Mayor

30
31 _____
32 City Recorder

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT
FOR STREET LIGHTING

To the City Council for the City of Keizer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Keizer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

Summerview Estates

within the City of Keizer.

The legal description of the proposed district is:

Parcel 2, PARTITION PLAT NO. 2008-41, in the City of Keizer, County of Marion and State of Oregon

PLEASE ATTACH A MAP OF THE AREA

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Keizer.

PETITION SUBMITTED BY:

NAME: Jeremy Grenz

ADDRESS: 1155 13th Street SE, Salem OR 97302

PHONE NUMBER: 503-363-9227

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
6/7/2018	Pacific Construction/PO Box 1094 Salem, OR 97308		1850 Chemewa Road.

SUMMERVIEW ESTATES

IN THE SW 1/4 SEC. 36, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C1	103.50'	10°06'01"	18.25'	N40°54'38"E	18.22'
C2	103.50'	10°33'03"	19.06'	N30°35'05"E	19.03'
C3	25.00'	48°55'46"	21.35'	N49°46'27"E	20.71'
C4	19.00'	41°00'46"	13.60'	N45°48'57"E	13.31'
C5	124.50'	20°39'05"	44.87'	N35°38'06"E	44.63'
C6	13.50'	90°00'00"	21.21'	N0°57'38"E	19.09'
C7	56.00'	19°36'12"	19.16'	S34°14'15"E	19.07'
C8	44.00'	19°17'16"	14.81'	S34°04'48"E	14.74'
C9	74.00'	7°33'35"	9.76'	S47°52'24"E	9.76'
C10	76.00'	7°36'51"	10.10'	S47°50'46"E	10.09'
C11	19.00'	90°00'00"	29.85'	S89°02'21"E	26.87'
C12	87.50'	20°39'05"	31.54'	N35°38'06"E	31.37'
C13	51.00'	49°05'06"	43.69'	N49°51'07"E	42.37'

- NOTES:
- ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.
 - NET LOT AREA REFLECTS PORTION OF LOTS OUTSIDE PRIVATE ACCESS EASEMENT

LINE DATA		
LINE	BEARING	DIST.
L1	N90°00'00"E	27.07'
L2	N25°18'34"E	13.75'

MCSR = MARION COUNTY SURVEY RECORD
BOTP = BOOK OF TOWN PLATS
W/YPC = WITH YELLOW PLASTIC CAP
IP = IRON PIPE
IR = IRON ROD
P. = PAGE
V. = VOLUME
R. = REEL
PUE = PUBLIC UTILITY EASEMENT
SDE = STORM DRAIN EASEMENT
PVT = PRIVATE

- = 5/8" IRON ROD AS NOTED
- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." PER P.P. 2005-108 UNLESS OTHERWISE NOTED
- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "LAND MARKERS" PER P.P. 2008-41
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."
- ⊙ = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." TO BE POST-MONUMENTED
- = SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP SCRIBED "MULTI/TECH ENG." TO BE POST-MONUMENTED

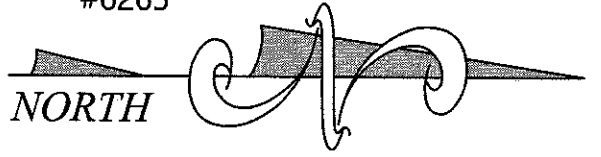
REFERENCE SURVEYS:

- MCSR 28091 - P.P. 79-112
- P.P. 2005-108
- P.P. 2008-041
- KS - AREA C, V47, P. 70, BOTP

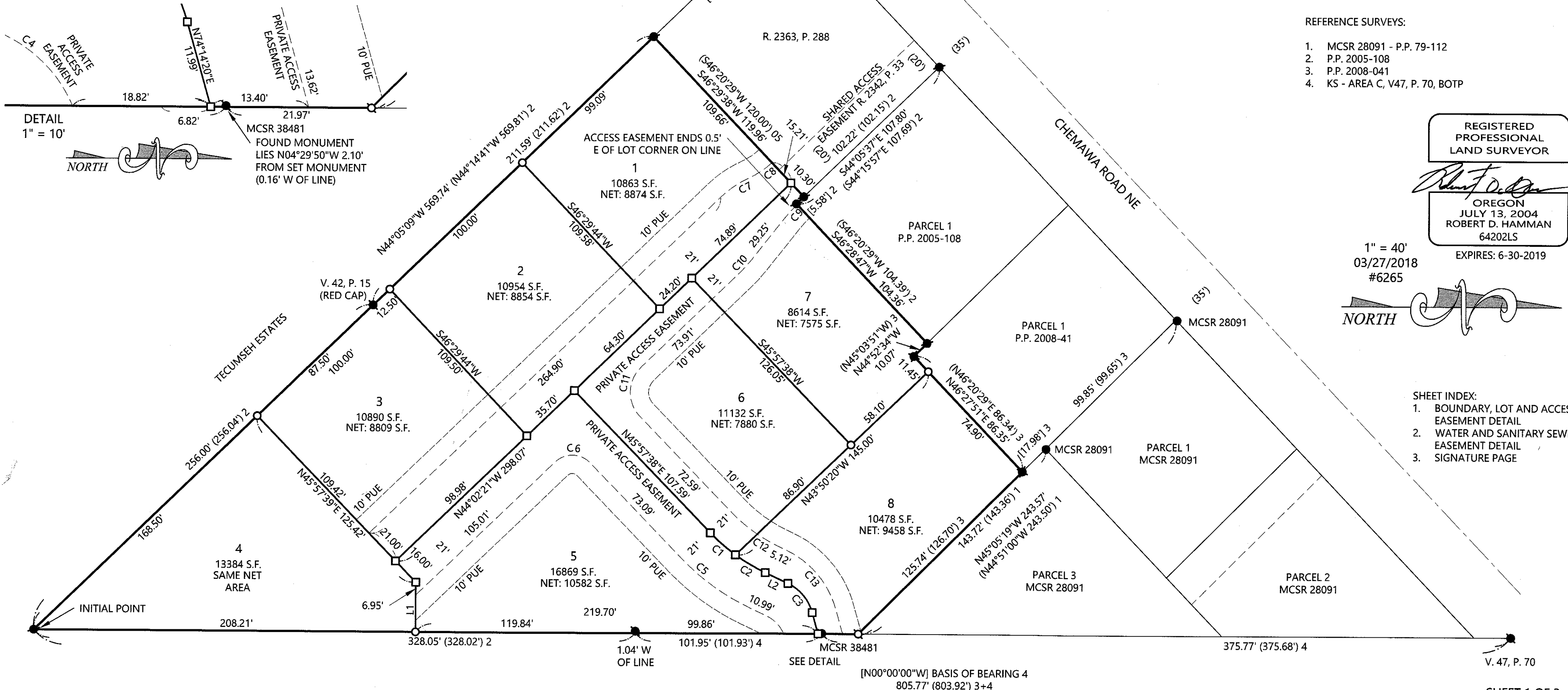
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert D. Hamman
OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

1" = 40'
03/27/2018
#6265



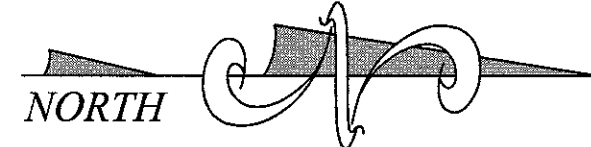
- SHEET INDEX:
- BOUNDARY, LOT AND ACCESS EASEMENT DETAIL
 - WATER AND SANITARY SEWER EASEMENT DETAIL
 - SIGNATURE PAGE



SUMMERVIEW ESTATES

IN THE SW 1/4 SEC. 36, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227



1" = 20'
03/20/2018
#6265

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert D. Hamman

OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2019

4
13384 S.F.

3
10890 S.F.
NET: 8809 S.F.

2
10954 S.F.
NET: 8854 S.F.

1
10863 S.F.
NET: 8874 S.F.

L=17.41'
R=50.88'
Δ=019°36'12"
CH=S34°14'15"E,
17.32'

L=16.52'
R=49.14'
Δ=019°15'27"
CH=S34°04'01"E,
16.44'

7
8614 S.F.
NET: 7575 S.F.

6
11132 S.F.
NET: 7880 S.F.

8
10478 S.F.
NET: 9458 S.F.

5
16869 S.F.
NET: 10582 S.F.

10' PUBLIC WATER EASEMENT

20' PUBLIC SANITARY SEWER EASEMENT

10' PUBLIC WATER EASEMENT

20' PUBLIC SANITARY SEWER EASEMENT

SUMMERVIEW ESTATES
IN THE SW 1/4 SEC. 36, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER, MARION COUNTY, OREGON

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

SURVEYOR'S CERTIFICATE:

I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN OREGON, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED MAP, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

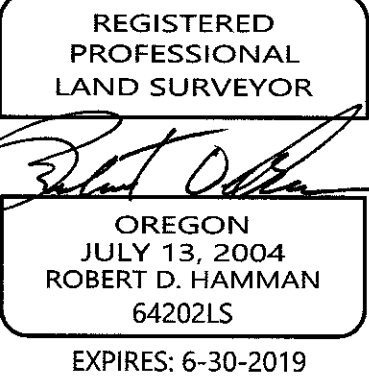
PARCEL 2, PARTITION PLAT NO. 2008-41 AS RECORDED IN MARION COUNTY BOOK OF PARTITION PLATS IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF KEIZER, MARION COUNTY, OREGON AND CONTAINING 2.14 ACRES, MORE OR LESS.

PER O.R.S. 92.070 (2), I HEREBY CERTIFY THAT THE REMAINING MONUMENTS WITHIN THIS SUBDIVISION WILL BE SET WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THE PAVING OF IMPROVEMENTS, OR WITHIN ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST.

MULTI/TECH ENGINEERING SERVICES, INC.
BY:



ROBERT D. HAMMAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 64202LS



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE LAND SHOWN HEREON AND DESCRIBED IN R. 3257, P. 062 AS ALLOWED BY SUBDIVISION CASE NO. 2017-07. TO ACCOMPLISH THIS, I USED PARTITION PLAT 2008-41. ALL EXTERIOR MONUMENTS WERE FOUND EXCEPT FOR THE SOUTH CORNER OF PARCEL 3, MCSR 28091, WHICH I RESET. THE BASIS OF BEARING IS ALONG THE EAST LINE FROM KS-AREA C, AS RECORDED IN VOLUME 47, PAGE 70, MARION COUNTY BOOK OF TOWN PLATS.

INTERIOR CORNER AND CENTERLINE MONUMENTATION:

IN ACCORDANCE WITH O.R.S. 92.070, THE INTERIOR CORNERS AND CENTERLINE MONUMENTS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN REEL _____, PAGE _____, OF THE MARION COUNTY DEED RECORDS.

MARION COUNTY SURVEYOR _____ DATE _____

APPROVALS AND ACCEPTANCE OF DEDICATION:

CITY OF KEIZER PLANNING ADMINISTRATOR _____ DATE _____
SUBDIVISION CASE NO. 2017-07

CITY OF KEIZER MANAGER _____ DATE _____

CITY OF KEIZER ENGINEER _____ DATE _____

APPROVALS:

CHAIRPERSON OR VICE CHAIRPERSON _____ DATE _____
MARION COUNTY BOARD OF COMMISSIONERS

MARION COUNTY SURVEYOR _____ DATE _____

MARION COUNTY ASSESSOR _____ DATE _____

TAXES AND ASSESSMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID IN FULL TO _____

MARION COUNTY TAX COLLECTOR _____ DATE _____

A MAINTENANCE AGREEMENT FOR THE SHARED ACCESS EASEMENT HAS BEEN RECORDED IN R. _____, P. _____, MARION COUNTY DEED RECORDS.

IMPROVEMENT AGREEMENT RECORDED IN R. _____, P. _____, MARION COUNTY DEED RECORDS.

COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN R. _____, P. _____, MARION COUNTY DEED RECORDS.

DECLARATION:

KNOW ALL PERSONS BY THESE PRESENT THAT COUNTRY CLUB INVESTMENTS, LLC, AN OREGON LIMITED LIABILITY COMPANY, IS THE OWNER OF RECORD OF THE LANDS REPRESENTED ON THIS SUBDIVISION MAP AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN. WE HEREBY DEDICATE TO THE PUBLIC THE EASEMENTS AS SHOWN.

BY:

DOUGLAS HARNAR, MANAGER
COUNTRY CLUB INVESTMENTS, LLC, AN OREGON LIMITED LIABILITY COMPANY

STATE OF OREGON }
COUNTY OF MARION } S.S.

ON THIS _____ DAY OF _____, 2018, THAT DOUGLAS HARNAR, MANAGER, OF COUNTRY CLUB INVESTMENTS, LLC., DID PERSONALLY APPEAR BEFORE ME, A NOTARY PUBLIC FOR OREGON, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY SIGNATURE _____

NOTARY PUBLIC FOR OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

STATE OF OREGON }
COUNTY OF MARION } S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON THE _____ DAY OF _____, 2018, AT _____ O'CLOCK _____ M, AND RECORDED IN THE BOOK OF TOWN PLATS, VOLUME _____ AT PAGE _____, ALSO REFERENCED IN THE MARION COUNTY DEED RECORDS IN REEL _____, PAGE _____.

BILL BURGESS, MARION COUNTY CLERK

BY: _____
DEPUTY COUNTY CLERK



MINUTES
KEIZER CITY COUNCIL/PLANNING COMMISSION
COMMUNITY WORKSHOP MINUTES
Wednesday, June 13, 2018
Keizer Civic Center, Council Chambers
Keizer, Oregon

INTRODUCTIONS

Meeting convened at 6:55 p.m. Community Development Director Nate Brown introduced Glen Bolen from OTAK.

Councilors Present:

Cathy Clark, Mayor
Marlene Parsons
Laura Reid
Kim Freeman
Amy Ryan

Councilors Absent:

Bruce Anderson
Roland Herrera

Consultants:

Glen Bolen, Planner, OTAK
Kate Rogers, OTAK
Evan Manvel, Oregon
Education & Outreach
Program Director

Planning Commissioners Present:

Hersch Sangster, Chair
Garry Whalen, Vice Chair
Kyle Juran
Josh Eggleston
Matt Lawyer
Michael DeBlasi

Isaac Matthews, Youth Liaison

Planning Commissioners Absent:

Crystal Wilson

Staff Present:

Nate Brown, Community
Development
Shannon Johnson, City Attorney
Shane Witham, Senior Planner

PRESENTATION

PRESENTATION

Mr. Bolen gave a slide presentation which included points about

- o Population growth in Keizer
- o Why should Keizer grow?
 - o Needed Housing
 - o Jobs
 - o Increased efficiency vs. outward growth
 - o Zoning
- o How a UGB is expanded in Oregon
- o Shared UGB with Salem
- o Costs of growth
 - o Utilities
 - o Transportation
 - o Others: Parks, Public Safety, Schools, Libraries, etc.
 - o Non-monetary & indirect costs
- o Value of new development

- o Lessons learned
 - o Woodburn, McMinnville, North Bethany
- o Impact of expansion on:
 - o Municipal budgets
 - o System Development Charges
 - o Transportation options
 - o Vehicle Miles Travelled

COMMUNITY CONVERSATION

Regarding the shared Urban Growth Boundary with Salem and the possibility of separating the two cities so that they have separate UGBs, Mr. Brown explained that the Department of Land Conservation and Development is studying this possibility.

Discussion followed regarding the cost of separating from Salem, the difficulty of getting expansion approved, the option of doing nothing, making strategic and reasonable requests, the importance of having the support of all governing bodies, accommodating growth without UGB expansion, relieving the housing shortage, possible infill properties, the impact of UGB expansion on the value of the land inside the current UGB, growth/expansion in neighboring cities, commute patterns, looking into the cost of NOT growing, what is best for the community, future visioning, scenario planning, traffic structure models, looking beyond the city to a regional approach, growth projection, improving the quality of life, job availability, considering Keizer land-locked and 'growing smart' within the city, the need for multiple routes east-west and north-south within the city, determining what citizens want, commuters, and stress on districts (i.e. Fire District) within the city.

CONCLUSION

Mr. Brown explained that the next step will be for the consultant to finalize a report which will be presented in another Council workshop where more discussion will take place. He urged anyone who had additional comments to send those to his office.

Meeting concluded at 8:39 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

~ Absent ~
Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

~ Absent ~
Councilor #6 – Bruce Anderson

Minutes approved:_____



MINUTES
KEIZER CITY COUNCIL SPECIAL SESSION
Wednesday, June 13, 2018
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 8:41 pm. Roll Call was taken as follows:

Present:

Cathy Clark, Mayor
Marlene Parsons, Councilor
Kim Freeman, Councilor
Amy Ryan, Councilor
Laura Reid, Councilor

Absent:

Bruce Anderson, Councilor
Roland Herrera, Councilor

Staff Present:

Shannon Johnson, City Attorney
Debbie Lockhart, Deputy City Recorder

ADMINISTRATIVE ACTION

City Attorney Shannon Johnson summarized his staff report noting that this extension is from June 15 to June 27.

**a. RESOLUTION –
Authorizing the
City Manager to
Enter Into First
Amendment of
Ground Lease
(Keizer Cinema 9)**

Councilor Parsons moved that the Keizer City Council adopt a Resolution Authorizing the City Manager to Enter Into First Amendment of Ground Lease (Keizer Cinema 9). Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Parsons and Ryan (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Herrera and Anderson (2)

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:44 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

~ Absent ~
Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

~ Absent ~
Councilor #6 – Bruce Anderson

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL
Monday, June 18, 2018
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Cathy Clark, Mayor
Marlene Parsons, Councilor
Kim Freeman, Councilor
Amy Ryan, Councilor
Laura Reid, Councilor
Bruce Anderson, Councilor

Absent:

Roland Herrera, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development
Bill Lawyer, Public Works
John Teague, Police Chief
Tim Wood, Finance
Machell DePina, Human Resources
Tracy Davis, City Recorder

FLAG SALUTE Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS None

COMMITTEE REPORTS None

**PUBLIC
TESTIMONY**

Colleen Bush, Keizer, Board member of Salem Keizer Transit District, invited Council to the Chamber Greeters event celebrating the 5-year anniversary of the Keizer Transit Facility.

Rhonda Rich, Keizer, expressed fear for people living and playing near the river because the shooting across the river continues. She reported that recently a bullet nearly killed a resident in her home. She added that signs have not proven to be effective and admonished Councilors as elected officials to remedy this situation.

Mayor Clark agreed that this issue needed to be remedied and that the gun range owner is aware of the problem but has chosen not to take steps to solve the situation. She read several letters relating to this issue, reviewed the numerous contacts that have been made to various officials in an effort to stop the shooting, and added that some arrests have been made.

City Manager Chris Eppley noted that it is difficult for City of Keizer officials to take action because the property is not in the City's jurisdiction but if citizens continue to bring this to the attention of County and State representatives, it may create enough pressure to force the property

owner to stop the shooting.

Police Chief John Teague explained that the Police Department can only enforce the laws. The leverage that is available is civil and that is between the homeowner and the landowner. He suggested that perhaps West Keizer Neighborhood Association can join forces with the homeowner to make something happen but as far as criminal law is concerned, there is nothing Keizer Police or Polk County Sherriff can do.

Carol Doerfler, Keizer, President of the West Keizer Neighborhood Association, read a letter that was sent to the Keizertimes regarding the shootings, thanked Council for their continued efforts, and indicated that the WKNA will continue to pursue a solution to this problem.

Sherrie Gottfried, Keizer, referred to a handout she had distributed regarding revenue lost by the Grass Hut during the Iris Festival because the road was closed to through traffic. She expressed the opinion that the barricade was a safety hazard and questioned why there was no parking for the handicapped. Mayor Clark indicated that this information would be forwarded to the Council Liaison for the Chamber, Roland Herrera, and to Sgt. Wenning.

PUBLIC HEARINGS None

ADMINISTRATIVE ACTION

- a. RESOLUTION – Establishing the Amount of the Sewer System Development Charge for Wastewater Treatment Facilities** City Attorney Shannon Johnson summarized his staff report providing details about the Intergovernmental Agreement with Salem and the resulting pass-through account.
- Councilor Parsons moved that the Keizer City Council adopt a Resolution Establishing the Amount of the Sewer System Development Charge for Wastewater Treatment Facilities; Repealing Resolution R2017-2791. Councilor Freeman seconded. Motion passed as follows:
- AYES: Clark, Reid, Freeman, Parsons, Anderson and Ryan (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Herrera (1)
- b. RESOLUTION – Authorization For Supplemental Budget – Transfer Of Appropriations Within The Administrative Services Fund From General Administration** Finance Director Tim Wood summarized his staff report explaining that this is to pay an unemployment claim for a former utility billing employee.
- Councilor Parsons moved that the Keizer City Council adopt a Resolution Authorization For Supplemental Budget – Transfer Of Appropriations Within The Administrative Services Fund From General Administration To Finance – Utility Billing. Councilor Freeman seconded. Motion passed as follows:
- AYES: Clark, Reid, Freeman, Parsons, Anderson and Ryan (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Herrera (1)

- c. RESOLUTION – Authorizing the City Manager and Chief of Police to Sign 2018-2021 Collective Bargaining Agreement With Keizer Police Association** Mr. Johnson summarized his staff report, thanked the Human Resources Department, the Labor Attorney and Police staff for their efforts, and corrected scriveners errors on Pages 48 and 37.
- Councilor Parsons moved that the Keizer City Council adopt a Resolution Authorizing the City Manager and Chief of Police to Sign 2018-2021 Collective Bargaining Agreement With Keizer Police Association as amended. Councilor Freeman seconded. Motion passed as follows:
- AYES: Clark, Reid, Freeman, Parsons, Anderson and Ryan (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Herrera (1)
- d. RESOLUTION – Authorizing the City Manager and Public Works Director to Sign 2018-2021 Collective Bargaining Agreement With Laborers International Union of North America, Oregon Southern Idaho District Council Local 73: *Postponed to July 2 Council meeting to allow Union to ratify.***

**CONSENT
CALENDAR**

- A. RESOLUTION – Authorizing the City Manager to Enter Into a Field Maintenance Agreement for Farm Land Located at 1590 Chemawa Road North, Keizer, Oregon with Scenic Valley Farms LLC
- B. RESOLUTION – Certification of Delinquent Sewer Accounts
- C. RESOLUTION – Authorizing the City Manager to Enter Into Street Sweeping Contract
- D. RESOLUTION – Authorizing the City Manager to Enter Into Intergovernmental Agreement with Salem-Keizer School District 24J (School Resource Officers)
- E. RESOLUTION – Adopting the Housing and Community Development Action Plan – One Year Use of Funds – Salem and Keizer 2018/2019 and 2014, 2015, 2016, and 2017 CDBG and Home Program Amendment #1
- F. RESOLUTION – Regarding Evaluation of City Manager
- G. RESOLUTION – Regarding Evaluation of City Attorney
- H. RESOLUTION - Authorizing the City Manager to Award and Enter Into an Agreement with Ffossil Contracting and Management for Construction of Keizer Rapids Park Restroom Facilities
- I. Approval of June 4, 2018 City Council Regular Session Minutes

Mayor Clark pulled item A of the Consent Calendar.

Councilor Parsons moved for approval of items B through I of the Consent Calendar. Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Parsons, Anderson and Ryan (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Herrera (1)

Mayor Clark asked Mr. Lawyer to provide more information on Item A. Mr. Lawyer explained that the farmer will plant fescue grass seed in late summer and harvest annually for the life of the agreement. Mayor Clark suggested that a sign be posted so that people/animals do not run through the cultivated field.

Councilor Parsons moved for approval of item A of the Consent Calendar. Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Parsons, Anderson and Ryan (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Herrera (1)

COUNCIL LIAISON REPORTS

Councilor Anderson reported on the Keizer Chamber Board meeting and announced the Keizer Network of Women (KNOW) fundraising event on September 20.

Councilor Parsons reported on the Personnel Policy Committee meeting, the Planning Commission work session, and the Marion County Commissioners breakfast and announced that the Greater Gubser Neighborhood Association would not meet until September.

Councilor Reid congratulated area graduates, reported on the Planning Commission work session, Traffic Safety/Bikeways/Pedestrian Committee and Keizer United meetings and announced upcoming CERT training, Serve-Fest, Fun Run to raise money for Special Olympics, and the Keizer Heritage Foundation annual meeting.

Councilor Freeman noted that she had attended the Personnel Policy Committee meeting, the Planning Commission work session and the Marion County Commissioners breakfast and announced the upcoming Volunteer Coordinating Committee meeting and Cummings School cleanup sponsored by West Keizer Neighborhood Association.

Councilor Ryan announced that she had attended the Planning Commission work session and the meeting to bring air service to the Salem-Keizer area.

Mayor Clark reported on Council of Governments Budget Committee Executive Board, Mid-Willamette Area Commission on Transportation, Personnel Policy Committee, Salem Air Service, and Parks Board meetings. She also announced upcoming Council of Governments Board, Women in Construction, and the Mid-Willamette Homeless Initiative Steering Committee meetings.

OTHER BUSINESS

City Manager Chris Eppley referred to a handout from the League of Oregon Cities which asked members to choose four topics for the League to focus on. He noted that he had provided suggestions but asked that Councilors review, mark four, and return sheets to him for tallying and submission. Mayor Clark provided additional information.

Public Works Director Bill Lawyer provided updates on the Meadows play structure, the bridge on Dearborn, the Salem water situation, and the splash fountain schedule.

Community Development Director Nate Brown thanked everyone for participating in the recent planning workshop and provided additional information regarding the planned process. He also reported on a recent meeting of the Marion County Economic Development Advisory Board meeting noting that the Oregon Garden debt is almost paid so additional resources will be available.

**WRITTEN
COMMUNICATIONS**

Mayor Clark read an email from Betty Hart thanking Council for attending the Keizer Fire anniversary celebration and thanked the person who had left her the book Dream Teams: Working Together Without Falling Apart.

AGENDA INPUT

July 2, 2018: 7:00 p.m. City Council Regular Session

July 9, 2018: 5:45 p.m. – City Council Work Session

July 16, 2018: 7:00 p.m. City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:20 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

~ Absent ~

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved:_____