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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Tuesday, June 21, 2022

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**

a. Recognition of Award

b. Introduction of Newly Hired Keizer Police Officer and Reserve Officer

5. **COMMITTEE REPORTS**

a. Volunteer Coordinating Committee Recommendations for Appointment

- Keizer Public Arts Commission
- Youth City Councilor 2022-2023 School Year
- Youth Liaison – Planning Commission
- Youth Liaison – Keizer Public Arts Commission

6. **PUBLIC COMMENTS**

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. **RESOLUTION** – Authorizing Sole-Source Procurement Contracts with ROW Consultants LLC for the Purpose of Assisting with Drafting of a Right-of-Way Ordinance and Managing the Usage of the Right-of-Way

8. **ADMINISTRATIVE ACTION**

a. **ORDINANCE** – Amending Keizer Development Code Regarding Middle Housing and Related Matters; Amending Keizer Comprehensive Plan; Amending Ordinance 98-389 and Ordinance 87-077; Declaring an Emergency

- b. RESOLUTION – Authorizing City Manager to Sign Marion County ARPA Funds Subrecipient Agreement BO-4567-22
- c. RESOLUTION – Amending the Keizer Personnel Policy Manual Regarding Motor Duty pay Under the Compensation Section; Amending Resolution R2010-2040

9. CONSENT CALENDAR

- a. RESOLUTION – Declaring the City’s Intent to Initiate a Street Lighting Local Improvement District (Ryden Forest) and Directing the City Engineer to Make a Survey and File a Written Report with the City Recorder
- b. RESOLUTION – Certification of Delinquent Sewer Accounts
- c. Approval of June 6, 2022 Regular Session Minutes
- d. Approval of June 7, 2022 Work Session Minutes

10. 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.

11. STAFF UPDATES

12. COUNCIL MEMBER REPORTS

13. AGENDA INPUT

July 5, 2022 (Tuesday) – 7:00 p.m.

- City Council Regular Session

July 11, 2022 - 6:00 p.m.

- City Council Work Session

July 18, 2022 – 7:00 p.m.

- City Council Regular Session

August 1, 2022 – 7:00 p.m.

- City Council Regular Session

14. ADJOURNMENT

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

COUNCIL MEETING: June 21, 2022

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: ADAM BROWN
CITY MANAGER**

**FROM: CHIEF JOHN TEAGUE
KEIZER POLICE DEPARTMENT**

SUBJECT: INTRODUCTION OF NEWLY HIRED POLICE AND RESERVE OFFICERS

A recruitment for police officers was held last fall, out of which we hired one full-time officer and have another in the final stages of the hiring process. We accepted another person as a reserve police officer.

Police Officer Robert Cheek was hired from a recruitment last October. Officer Cheek is a lateral officer who comes to us from the Wasilla (Alaska) Police Department, where he worked for over four years. His training and experience from Alaska will qualify for a waiver from attending Oregon's 16-week basic police academy, though he'll still attend a two-week mini-academy and will complete Keizer's entire field training program. Robert is an officer in the Army National Guard.

Reserve Officer Riley Hall has a history with Keizer PD in that he was a cadet from 2017 until he recently aged out of the program. Riley completed the Mid-Valley Reserve Training Academy earlier this month.

Please join us in congratulating and welcoming these officers to the City of Keizer and the Police Department.

wjb



CITY COUNCIL MEETING: JUNE 21, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy Davis, City Recorder/Community Center Manager

SUBJECT: Volunteer Coordinating Committee Recommendations For
Appointment To The Keizer Public Arts Commission, Youth Councilor
Position And Youth Liaison Positions On The Planning Commission
And Keizer Public Arts Commission

PROPOSED MOTION:

I move the City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Lore Christopher to position 6 on the Keizer Public Arts Commission term beginning on July 1, 2022 and expiring on June 30, 2025, Angelica Sarmiento-Avendano as the Keizer City Council Youth Councilor for the 2022-2023 school year, Manpreet Sandhu as the youth liaison to the Keizer Planning Commission for the 2022-2023 school year, and Katherina Klein as the youth liaison to the Keizer Public Arts Commission for the 2022-2023 school year.

I. SUMMARY:

The Volunteer Coordinating Committee met on June 9, 2022 to review and interview applicants for openings on the Keizer Public Art Commission, Youth Councilor position, and youth liaison positions on the Planning Commission and Keizer Public Arts Commission.

II. BACKGROUND:

The Volunteer Coordinating Committee is responsible to recruit, interview, and recommend Board, Committee, and Commission appointments to the City Council.

III. CURRENT SITUATION:

The Keizer Public Arts Commission had 2 openings on the Commission. One application was

Volunteer Coordinating Committee Recommendation for Appointments June 21, 2022

received and the Committee will continue to recruit for the other vacancy. For the 2022-2023 school year, a new Youth Councilor and Youth Liaisons to each of the City's Boards and Commissions are needed.

RECOMMENDATION:

Staff recommends the City Council accept the recommended appointments as outlined.



CITY COUNCIL MEETING: JUNE 21, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: E. Shannon Johnson, City Attorney

SUBJECT: **PUBLIC HEARING – SOLE-SOURCE PROCUREMENT**

PROPOSED MOTION:

"I move the City Council adopt Resolution R2022-_____ Authorizing Sole-Source Procurement Contracts with ROW Consultants LLC for the Purpose of Assisting with Drafting of a Right-of-Way Ordinance and Managing the Usage of the Right-of-Way."

I. SUMMARY:

At a work session on December 13, 2021, Council preliminarily directed staff to take the necessary steps to move forward with contracting for right-of-way (ROW) code drafting and management of the ROW. Staff was unable to locate any other providers for this specialized service, so the sole-source process was used. A Notice of Sole-Source Procurement was published in the Keizertimes and Daily Journal of Commerce on June 3, 2022. No objections to the sole source procurement were filed with the City within the statutory deadline. A public hearing is required to allow a sole source procurement.

II. BACKGROUND:

The City Council considered this matter on December 13, 2021 (see attached memorandums). The issue was the lack of consistent fees and regulations for ROW users. The direction Council chose was to direct staff to move forward with Ordinance drafting. To do so, staff has negotiated two contracts with ROW Consultants, LLC. The first contract is for drafting the Ordinances (ROW Code). The second is to manage the ROW regulations. The compensation for this work is based on a varying percentage of the total revenues received.

III. CURRENT SITUATION:

Currently, the City does not collect fees from all users of the ROW. Therefore, users not paying fees have a competitive advantage over those that are paying. Federal law requires local

governments to provide a “level playing field” for telecommunications providers. To do that, the City should provide regulations and fees that apply equally.

Due to the expertise involved, staff is recommending engaging ROW Consulting LLC to assist in the Ordinance drafting and management of ROW regulations.

IV. ANALYSIS:

- A. **Strategic Impact** – Ultimately, these contracts will lead to a more equitable regulatory framework and increased revenue to the City.
- B. **Financial** – The financial impact of this request is \$20,000 for the code drafting contract. The management contract anticipates the compensation being paid from increased ROW fee revenue.
- C. **Timing** – Approval of this request will allow the consultant to begin immediately.
- D. **Policy/legal** – As indicated by the attached memos, the current situation is arguably not a “level playing field.” Therefore, it is advised that the Council take steps to provide that level playing field by declaring the sole-source procurement for the purpose of developing regulations and administering the ROW regulations.

ALTERNATIVES:

- A. Take no action to adopt new regulations. This alternative would retain the current situation which arguably results in unfair competitive advantage to some ROW users.
- B. Direct staff to move forward to handle Ordinance drafting and ROW management in-house. This alternative would require hiring additional staff.

RECOMMENDATION:

Staff recommends that the City Council open the public hearing and take testimony. If there are no questions or concerns, close the hearing and adopt the attached Resolution exempting the sole-source procurement and authorizing the City Manager to sign the contracts.

ATTACHMENTS:

- Memorandums from E. Shannon Johnson and Spencer Parsons (December 13, 2021 worksession)
- Resolution R2022-____
- Contract for Ordinance drafting
- Contract for ROW management

CITY COUNCIL WORK SESSION: December 13, 2021

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: R. WES HARE, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RIGHT-OF-WAY ORDINANCES

At the September 20, 2021 meeting, Council considered the matter of right-of-way ordinances. These ordinances regulate right-of-way (ROW) use by utilities and impose fees that are used as an alternative to franchise fees. Franchises are individual contracts with the utilities using the ROW. There are advantages and disadvantages to right-of-way ordinances. These relative advantages and disadvantages are discussed in the attached memorandum from Spencer Parsons, Special Legal Counsel. Mr. Parsons will be in attendance at the December 13, 2021 meeting.

Currently, incumbent or traditional utilities pay franchise fees for use of the right-of-way. This would include gas/electric companies, Comcast, CenturyLink, and sewer/water customers. Although Council could consider a different format, the general proposition would be that right-of-way fees would not be increased on these utilities and their customers. They would only be imposed on non-franchised utilities, including non-franchised telecom providers.

There are several telecom providers operating in the right-of-way. Unlike CenturyLink or Comcast, these utilities do not have any franchise fee or right-of-way fees imposed. Therefore, this arguably “discriminates” between telecom providers. Mr. Parsons discusses this matter in more detail in his memorandum.

RECOMMENDATION:

The Council should review the matter and if there are no further questions, direct staff to move forward to prepare the ordinances for Council consideration in 2022.

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

MEMORANDUM

TO: Shannon Johnson, Keizer City Attorney

FROM: Spencer Parsons, Special Telecom Counsel 

SUBJECT: Right-of-Way Ordinance Adoption

DATE: December 7, 2021

Background

You have requested advice outlining the relative advantages and disadvantages of the City enacting a utility right of way ordinance. A utility right of way ordinance is a tool used by an increasing number of cities to manage the use of public rights-of-way (“ROW”) by cable, telecom and other utility providers. It is designed to replace individually-negotiated franchise agreements with a uniform license system that requires utilities to follow the City-established requirements for use of the ROW. This memorandum briefly contrasts the right of way ordinance with the traditional franchising model of ROW management and then outlines the relative advantages and disadvantages of the ordinance approach.

As you know, the City has statutory and constitutional home rule authority to manage its ROW and receive compensation for use of the ROW, consistent with applicable state and federal laws. Historically, Keizer has managed its rights of way by negotiating and granting individual franchises to each utility using the City’s ROW to provide service (electric, natural gas, telephone and cable service providers). A franchise is a legally enforceable contract between the City and the utility that sets forth the terms of use of the ROW (for example, construction, restoration and permitting) and the franchise fee, which is the compensation paid to the City for this use.

However, the traditional franchising model has potential limitations, especially in this era of regulatory and technological upheaval in the areas of cable and telecommunications. For example, franchises typically limit the franchising authority’s ability to update its ROW regulations in a manner that is effective during the then-current franchise term, because the franchise itself generally sets the ROW use requirements for the entire term of the agreement with change only by mutually agreed-upon amendments. This leads to a patchwork of ROW regulations that vary from utility to utility (and even from provider to provider in a given utility type) depending on when the franchise was negotiated. As another example, often utilities use the franchise negotiation process to attempt unreasonably limiting City home rule authority, such as by refusing to enter into an agreement unless the City pays some relocation costs—costs that

December 7, 2021

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under applicable law are to be paid by the utility. Further, in recent times the Federal Communications Commission (“FCC”) has itself undertaken an assault on traditional local authority under the banner of preemption.

An alternative to negotiating franchise agreements with each utility as each utility’s franchise comes up for renewal is the adoption of a new ordinance that would provide uniform requirements for all utilities using City ROW. The right of way ordinance would apply to all utilities using facilities within a city’s rights of way (unless the City opts to exclude certain utilities), with the possible exception of cable operators.¹ It would require utility providers to obtain “licenses” from the City for use of its ROW in lieu of the traditional franchise. The license requires compliance with the terms of the ordinance, which in turn establishes all the requirements typically found in a franchise, including permit, restoration and relocation requirements, minimum insurance, bonding and indemnification, and payment of a privilege tax.²

The City would have the option to continue to enter into franchise agreements that vary from the terms of the ordinance, but the expectation would be that all utilities would have licenses rather than franchises once their current franchises expire. Some clear advantages of a utility-neutral ROW ordinance include:

- Secures the legal obligation of utilities to compensate cities for the privilege of providing services in city limits, regardless of whether the utility has a franchise or license; the ordinance applies to “utilities” as defined therein even if the utility has neglected to obtain a license, which allows the City to enforce those requirements (including the privilege tax) retroactively on those without a franchise or license;
- Eliminates the costs of staff and attorney time spent on franchise negotiations, which can take many months, or even years to complete;
- Allows for additional revenue from utilities not currently paying for use of the ROW, which may include competitive telecommunications carriers, competitive cable providers,

¹ Federal law circumscribes local government’s authority over cable operators in certain areas and otherwise includes some specific provisions with which the City must comply, but which may not be applicable or desirable for all utilities. For example, federal law permits the City to require cable operators provide financial support for public, educational and governmental (PEG) channels, which the City currently collects from Comcast. This would not apply to other utilities and thus would be dealt with in a separate franchise agreement. Still, local regulations for construction in the ROW still apply to cable operators, and it would be prudent to require cable operators to follow the same ROW regulations as other utilities.

² The terms “franchise fee” and “privilege tax” are often used interchangeably, though they are different. A franchise fee is the fee agreed to in a franchise agreement, whereas a privilege tax is adopted by ordinance and does not require an agreement from the provider subject to the tax. With a license approach, the City would adopt a privilege tax by ordinance rather than setting a franchise fee through a franchise. Some cities prefer to call a privilege tax by another name (e.g. right of way usage fee, privilege fee, etc.).

and competitive electric service suppliers, among others, who do not own the facilities in the ROW and thus may not be subject to the franchise requirement;

- Minimizes the City's legal exposure to potential claims by third party cable and telecom service providers that the City is in violation of federal law by applying different franchise fees for access to its ROW and in doing so "discriminating" between providers, and/or "effectively prohibiting" one service provider from providing service in the City by putting it at a competitive disadvantage, both of which are explicitly prohibited under federal law;
- Provides flexibility to increase the amount of compensation if new utility services are developed that are not included in the definition of gross revenue in existing franchise agreements (such as was the case in the case of the development of voice-over "VoIP" phone service), or by expanding the revenue base to the extent permitted by state and federal law;
- Standardizes ROW requirements so that City staff would not have to be aware of different permitting, construction, restoration and other standards or regulations from individual franchises, but instead would apply the requirements of the ordinance to all users of the ROW (once all franchises have expired and all utilities have licenses);
- Provides flexibility in responding to changes in state or federal law, new technologies or construction standards that warrant revision of the existing requirements; with the right of way ordinance, such changes would be done through Code amendments that would apply immediately to all utilities whereas with franchises the changes generally do not apply unless the franchise is amended or renewed to include the new requirements; and
- Creates more consistency in repairs and restoration of the ROW because all utilities are following the same up-to-date standards.

For a balanced analysis, here are some commonly-argued *disadvantages* of a utility-neutral right of way ordinance, addressed in turn:

- To the extent the City imposes a privilege tax, the privilege tax could potentially be seen by residents as a "new tax," even if it operates in the same manner as the franchise fee; of course, as we have discussed previously, this is not the case if the privilege tax is set at the same rate as the franchise fee, but utilities may characterize it as a new tax (and in a way it would be new tax for those not currently paying anything for use of the ROW and getting a "free ride" from paying users and the City, including its tax paying residents and, in particular, those paying franchise fees being passed through to-end users by paying utilities);
- It does not allow for a defense against legal challenges to the authority to implement the regulations that the regulations derive from a mutually negotiated and agreed-upon

franchise; however, no utility has yet taken successful legal action claiming cities lack general authority to implement a ROW ordinance or the license system established therein;

- The City would be giving up certain breach of contract remedies if the license is not considered an agreement, in which case it will rely on the enforcement provisions that exist in the ROW ordinance itself (such as financial penalties), as well as other remedies as provided by state and federal law;
- Under federal law (and because of the issues unique to cable television), cities will still have to negotiate franchises with all cable operators for the provision of cable services; however, the general ROW use requirements in the ordinance could be (and should be) incorporated by reference so that they are not renegotiated and are the same as other utilities, which greatly simplifies cable franchise negotiations; and
- Initial development and enactment of the ordinance requires an investment of staff and attorney time, and implementation requires some time and training; some utilities will likely oppose ROW ordinance adoption, no matter what it looks like, because they will want to be able to continue negotiating their own terms in a franchise, rather than follow a uniform set of rules.

Every city and its own set of circumstances is different. However, given all of the above, on balance this office generally recommends adoption of a ROW ordinance as a more effective and efficient tool to ensure fair and equal access to and use of the ROW, as well as ensuring the City receives reasonable compensation for such use from all users. If the City opts to move forward with the ordinance, we also generally recommend that affected utilities be invited to participate in the process of refining the ordinance to ensure it reflects the City's policy choices without unintended impacts on the utilities.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

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3 Resolution R2022-_____
45 AUTHORIZING SOLE-SOURCE PROCUREMENT CONTRACTS WITH
6 ROW CONSULTANTS LLC FOR THE PURPOSE OF ASSISTING WITH
7 DRAFTING OF A RIGHT-OF-WAY ORDINANCE AND MANAGING THE
8 USAGE OF THE RIGHT-OF-WAY
910 WHEREAS, drafting of a right-of-way ordinance and managing the usage of the
11 right-of-way is essential to provide a level playing field under federal law;12 WHEREAS, a Notice of Sole-Source Procurement was published in the
13 Keizertimes and the Daily Journal of Commerce on June 3, 2022;14 WHEREAS, no objections to the sole source procurement were filed with the
15 City within the statutory deadline;16 WHEREAS, the City Council held a public hearing pursuant to state law on June
17 21, 2022;18 WHEREAS, City desires to enter into contracts with ROW Consultants LLC for
19 the purpose of assisting with drafting of a right-of-way ordinance and managing the
20 usage of the right-of-way without a competitive public proposal process;

21 NOW, THEREFORE,

22 BE IT RESOLVED by the City Council of the City of Keizer that entering into
23 contracts with ROW Consultants LLC for the purpose of assisting with drafting of a
24 right-of-way ordinance and managing the usage of the right-of-way as a sole-source
25 procurement is based on the following findings:

- 1 1. The City of Keizer needs to be proactive and efficiently and effectively manage
- 2 the usage of the right-of-way to provide a “level playing field” under federal law.
- 3 2. Entering into a contract for effective right-of-way management would include
- 4 monitoring current and pending legislation to remain in compliance with state
- 5 and federal laws.
- 6 3. ROW Consultants, LLC provides the technical expertise that the City requires.
- 7 4. The City of Milwaukie and City of West Linn issued Requests for Proposals in
- 8 the last two years for this service and only ROW Consultants, LLC responded.
- 9 5. The City of Tigard recently conducted a search and performed a Sole Source
- 10 Exemption for this service.
- 11 6. ROW Consultants, LLC performing these services for other local municipalities
- 12 will benefit the City as a result of experience, knowledge, and working
- 13 relationships that are already established.
- 14 7. Hiring a consultant to perform these functions will give the City an expert in
- 15 right-of-way management without creating, funding, or training a full-time
- 16 employee.
- 17 8. It is unlikely that entering in contracts with ROW Consultants, LLC for
- 18 assistance with drafting a right-of-way ordinance and managing the usage of the
- 19 right-of-way as a sole-source procurement will encourage favoritism or
- 20 substantially diminish competition for public contracts.

1 9. The City is unaware of any other party who is capable of providing the required
2 services.

3 10. It is necessary to enter into the contracts for these services as soon as possible to
4 provide a “level playing field” for utilities who use the right-of-way.

5 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
6 Council approves the findings set forth above.

7 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that
8 no objections were received to the published Notice of Sole-Source Procurement.

9 BE IT FURTHER RESOLVED that the City Manager is authorized to enter into
10 the attached contracts associated with the code drafting and management of the usage of
11 the right-of-way with ROW Consultants, LLC.

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

14 PASSED this _____ day of _____, 2022.

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16 SIGNED this _____ day of _____, 2022.

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Mayor

City Recorder

CITY OF KEIZER

Right of Way Program PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into between the City of Keizer, an Oregon municipal corporation ("City"), and ROW Consultants LLC, a Limited Liability Corporation ("Consultant"), collectively the "parties".

1. Effective Date and Duration. This agreement becomes effective upon the last date of signature below. Unless earlier terminated or extended, this agreement will expire upon the completion of services designated under Section 2 and described in Exhibit A, and no later than September 30, 2022. However, such expiration will not extinguish or prejudice the parties right to enforce this agreement with respect to:

- i. any material breach by the parties;
- ii. any default or defect in Consultant's performance that has not been cured; and
- iii. compensation due to Consultant.

2. Statement of Services. The scope of services to be performed by Consultant under this agreement (the "Services") is described in Exhibit A, attached, and incorporated by reference into this agreement. Consultant agrees to perform the services in accordance with the terms and conditions of this agreement.

3. Duties of Consultant.

3.1. Consultant will be responsible for the professional quality, technical accuracy and coordination of all services furnished by Consultant under this agreement. Consultant will, without additional compensation, correct or revise any errors or deficiencies in its work. However, Consultant is not obligated to perform such additional work as may be necessary to correct errors in the work product or services required under this agreement that are identified by City more than 3 (three) months following the termination of this agreement.

For the purpose of the agreement "errors" and/or deficiencies" does not include work that may become obsolete or not in compliance with state or federal laws as the direct result of change to a regulation or statute or precedent affecting Consultant's services provided under this agreement. If the services provided by Consultant under this agreement complies with then existing law when the work is undertaken or completed and state or federal law affecting the services provided changes during the life of the agreement, and City requests Consultant to prepare modifications, City will compensate Consultant for such service, under separate written agreement.

3.2. Consultant represents that it is qualified to furnish the services described in this agreement.

3.3. Consultant will be responsible for employing or engaging all persons necessary to perform its services.

3.4. It is understood that Reba Crocker will be designated by Consultant as the person serving as the main point of contact to City under this agreement and that this designated person will not be replaced without written consent by City.

4. Duties of City

4.1. City will timely provide Consultant the pertinent information regarding City's requirements for the project.

4.2. City will examine documents submitted by Consultant and will render decisions promptly, to avoid unreasonable delay in the progress of Consultant's work.

4.3. City certifies that sufficient funds are available and authorized for expenditure to finance costs of this agreement.

4.4. The contact person for City is designated as the City Attorney. City will provide written notice to Consultant if City changes its contact person.

5. Consideration & Payment. City agrees to pay Consultant a sum not to exceed twenty thousand dollars (\$20,000) for the services performed under this agreement. Compensation and payment will be made as follows:

Ten thousand dollars (\$10,000) upon execution of this agreement and an additional ten thousand dollars (\$10,000) within thirty (30) days of delivery of codes and fees schedules, as described in Exhibit A.

6. Independent Contractor; Responsibility for Taxes and Withholding.

6.1. Consultant will perform all required services as an independent contractor and not as an employee of the City, and shall obtain no rights to any employee benefits, which accrue to City's employees. Although City reserves the right to evaluate the quality of the completed performance, City cannot and will not control the means or manner of Consultant's performance. Consultant is responsible for determining the appropriate means and manner of performing the services. Consultant will also provide, at its sole expense, all equipment, and materials necessary to perform the services described in this agreement, unless otherwise agreed.

6.2. If Consultant is currently performing services for the State of Oregon or the federal government, Consultant by signature to this agreement declares and certifies that: Consultant's services to be performed under this agreement creates no potential or actual conflict of interest as defined by ORS 244 and no rules or regulations of

Consultant's employing agency (state or federal) would prohibit Consultant's services under this agreement. Consultant is not an "officer", "employee", or "agent" of City, as those terms are used in ORS 30.265.

6.3. Consultant will be responsible for all federal or state taxes applicable to compensation or payments paid to Consultant under this agreement and, unless Consultant is subject to backup withholding, City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligations. Consultant is not eligible for any social security, unemployment insurance or workers' compensation benefits from compensation or payments paid to Consultant under this agreement, except as a self-employed individual.

7. Subcontracts and Assignment; Successors and Assigns.

7.1. City has selected Consultant based on its reputation and specialized expertise. Consultant will not assign or transfer any of its interest in this agreement without City's prior written consent.

7.2. The provisions of this agreement will be binding upon and will inure to the benefit of the parties hereto, and their respective successors and permitted assigns, if any.

8. No Third-Party Beneficiaries. City and Consultant are the only parties to this agreement and are the only parties entitled to enforce its terms. Nothing in this agreement gives, is intended to give, or will be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this agreement.

9. Consultant's Representations and Warranties. Consultant represents and warrants to City that:

- i. it has the power and authority to enter into and perform this agreement;
- ii. it is registered and in good standing and licensed to do business in the State of Oregon;
- iii. this agreement, when executed and delivered, will be a valid and binding obligation of Consultant enforceable in accordance with its terms;
- iv. the services under this agreement will be performed in a good and workmanlike manner and in accordance with professional standards; and
- v. Consultant will, at all times during the term of this agreement, be qualified, and professionally competent to perform the services; and
- vi. Consultant is not an attorney or lobbyist and will not provide legal or lobbying advice or services to or on behalf City.

10. Ownership of Work Product. All work product of Consultant that results from this agreement (the "Work Product") which are submitted to City, is the exclusive property of City.

11. Indemnity. Consultant will defend, save, hold harmless, and indemnify City and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Consultant under this agreement, only during the term of this agreement. This provision does not apply to claims, loss, liability or damage or expense arising from the sole negligence, or willful misconduct of City or anyone acting on behalf of the City.

11.1. Any use of Consultant's work product that is not consistent in any manner or otherwise authorized or intended to be used under this agreement, will release Consultant from any and all obligations of indemnification to City.

11.2. Consultant as indemnifying party will in no event be obligated to City as indemnification party for any losses that exceed the amount of applicable insurance Consultant is obligated to have in place under this agreement.

12. Insurance. Consultant will provide insurance as indicated on Exhibit B, attached hereto and by this reference made a part hereof.

13. Termination

13.1. Parties' Right to Terminate for Convenience. This agreement may be terminated at any time by mutual written consent of the parties.

13.2. City's Right to Terminate for Cause. City may terminate this agreement, in whole or in part, immediately upon notice to Consultant, or at such later date as City may establish in such notice, upon the occurrence of any of the following events:

- i. City lacks sufficient funding, or appropriations, limitations or other expenditure authority at levels sufficient to pay for Consultant's services;
- ii. Federal or state laws, regulations or guidelines are modified or interpreted in such a way that the services under this agreement is prohibited; or
- iii. Consultant commits any material breach or default of any covenant, warranty, or obligation under this agreement, fails to perform the services under this agreement within the time specified herein or any extension thereof, and such breach, default or failure is not cured within 5 business days after delivery of City's notice, or such longer period as City may specify in such notice.

13.3. Consultant's Right to Terminate for Cause. Consultant may terminate this agreement immediately upon notice to City if City fails to perform under this agreement and City fails to cure within 5 business days after receipt of Consultant's notice, or such longer period of cure as Consultant may specify in such notice.

13.4. Remedies.

- i. In the event of termination pursuant to Sections 13.1, 13.2(i), 13.2(ii) or 13.3, Consultant's sole remedy will be a claim for the sum designated for accomplishing the services up to the date of termination, together with a right to attorney fees under Section 26. If previous amounts paid to Consultant exceed the amount due to Consultant under this agreement, Consultant will pay any excess to City upon demand.
- ii. In the event of termination pursuant to Section 13.2(iii), City will have any remedy available to it in law or equity, together with a right to attorney fees under Section 26. If it is determined for any reason that Consultant was not in default under Section 13.2(iii), the rights and obligations of the parties shall be the same as if the agreement was terminated pursuant to Section 13.1.

13.5. Consultant's Tender Upon Termination. Upon receiving a notice of termination of this agreement, Consultant will immediately cease all activities under this agreement.

14. Limitation of Liabilities. NEITHER PARTY WILL BE LIABLE FOR:

- i. ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES UNDER THIS AGREEMENT; OR
- ii. ANY DAMAGES OF ANY SORT ARISING SOLELY FROM THE TERMINATION OF THIS AGREEMENT IN ACCORDANCE WITH ITS TERMS.

15. Compliance with Applicable Law. Consultant will comply with all federal, state, and local laws, codes, regulations, and ordinances applicable to the services provided under this agreement.

15.1 Nondiscrimination. City's performance under the agreement is conditioned upon Consultant's compliance with the provisions of:

- i. Title VI and VII of the Civil Rights Act of 1964;
- ii. Section 503 and 504 of the Rehabilitation Act of 1973;
- iii. the Americans with Disabilities Act of 1990 (Pub L No 101- 336);
- iv. the Oregon Pay Equity Act (ORS 652.220); and
- v. ORS Chapter 659, and all amendments of and regulations and administrative rules established pursuant to those laws, which are incorporated into the agreement by reference.

15.2 Payments Required by ORS 279B.220. For all goods or services provided under the agreement, Consultant will:

- i. pay promptly, as due, all persons supplying labor or material;
- ii. pay all contributions or amounts due the industrial Accident Fund from Consultant or any subcontractor;

- iii. not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof; and
- iv. pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

15.3 Safety & Health Requirements. Goods and services provided under the agreement will comply with all federal Occupational Safety and Health Administration (OSHA) requirements and with all Oregon safety and health requirements, including those of the State Workers' Compensation Division.

15.4 Recycled Materials. Consultant will, to the maximum extent economically feasible in the performance of the agreement, use recycled paper (as defined in ORS 279A.010(1)(ee)), recycled PETE products (as defined in ORS 279A.010(1)(ff)), and other recycled plastic resin products and recycled products (as "recycled product" is defined in ORS 279A.010(1)(gg)).

15.5 Employee Hours Worked & Overtime. For those employees of Consultant covered or subject to Oregon employment laws, the Consultant will pay employees for overtime work performed under the agreement in accordance with ORS 653.010 to 653.261 and the Fair Labor Standards Act of 1938 (29 USC 201 et seq.).

15.6 Workers' Compensation. Consultant and its subcontractor, if any, are subject to Oregon Workers' Compensation Law, which requires all employers that employ subject workers who work under the agreement in the State of Oregon to comply with ORS 656.017 and provide the required workers' compensation coverage, unless such employers are exempt under ORS 656.126. Consultant will ensure that each of its subcontractors, if any, complies with these requirements.

16. Force Majeure. Neither City, nor Consultant will be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond the reasonable control of City or Consultant, respectively. Consultant and City will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of their obligations under this agreement.

17. Survival. All rights and obligations will cease upon termination or expiration of this agreement, except for the rights and obligations set forth in Sections 9, 10, 11, 13, 14, 17, 22 and 23.

18. Notice. Except as otherwise expressly provided in this agreement, any communications between the parties hereto or notices to be given hereunder will be given in writing by personal delivery, email, or mailing the same, postage prepaid, to Consultant or City at the address or number set forth in Section 25. Any communication or notice so addressed and mailed will be deemed to be given upon verifiable delivery.

19. Severability. The parties agree that if any term or provision of this agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the parties will be construed and enforced as if the agreement did not contain the particular term or provision held to be invalid.

20. Counterparts. This agreement may be executed in several counterparts, all of which when taken together constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the agreement so executed will constitute an original.

21. Disclosure of Federal Tax ID Number. Consultant must provide Consultant's federal tax ID number. This number is requested pursuant to ORS 305.385, OAR 125-20-410(3) and OAR 150-305.100. Federal tax ID numbers provided pursuant to this authority will be used for the administration of state, federal and local tax laws.

22. Governing Law; Venue; Consent to Jurisdiction. This agreement will be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between City and Consultant that arises from or relates to this agreement will be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. Consultant hereby agrees to the in personam jurisdiction of such court and waives any claims of an inconvenient forum.

23. Confidentiality. Consultant, may, in the course of its duties have in its possession sensitive information relating to internal policy and procedure of City. All such information is confidential and unless permitted by City in writing, Consultant will not disclose such information, directly or indirectly, to any party, or any representatives, or use it in any way, except:

- i. to their legal representatives or attorney; or
- ii. as required to perform their duties as requested by the City.

24. Merger Clause; Waiver. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement will bind either party unless in writing and signed or otherwise authorized by both parties. Such waiver, consent, modification, or change, if made, will be effective only in the specific instance and for the specific purpose given. The failure of the parties to enforce any provision of this agreement will not constitute a waiver by the parties of that or any other provision.

25. Notices.

The following addresses will be used to transmit notices, invoices, payments, and other information. Notices will be deemed given upon verifiable delivery. Changes may be made in

the names and addresses of the person to who notices are to be given by giving written notice pursuant to this paragraph.

	City of Keizer	ROW Consultants LLC
Attn:	City Attorney	Reba Crocker
Address:	930 Chemawa Road NE Keizer, OR 97303	16890 SE Carmel Court Milwaukie, OR 97267
Phone:	503-856-3432	503.724.0766
Email:	JohnsonS@Keizer.org	Reba@ROWmanagers.com

26. Attorney Fees. Whether or not any action is brought, the prevailing party shall be entitled to recover all costs, including actual attorney's fees.

CONSULTANT DATA, CERTIFICATION AND SIGNATURE

Name (tax filing): ROW Consultants LLC	Address: 16890 SE Carmel Court Milwaukie, OR 97267
Email: Reba@ROWmanagers.com	Phone #: 503.724.0766
Social Security #: or Federal Tax ID EIN #: 83-4406220	State Tax ID#: N/A
Citizenship , if applicable: Non-resident alien ☐ Yes ☐ No	
Business Designation (check one): ☐ Corporation ☐ Sole Proprietorship ☐ Limited Partnership ☐ Limited Liability Partnership ☐ Partnership ☒ Limited Liability Company	
Above payment information must be provided prior to Contract approval. This information will be provided to the Internal Revenue Service (IRS) under the name and taxpayer ID number submitted. Information not matching IRS records could subject Consultant to 31 percent backup withholding.	

Certification and Execution:

Consultant, by execution of this contract, hereby acknowledges that Consultant has read this contract, understands it, and agrees to be bound by its terms and conditions.

The Consultant hereby certifies that:

- i. the number shown on this form is Consultant's correct taxpayer ID; and
- ii. Consultant is not subject to backup withholding because:
 - a. Consultant is exempt from backup withholding;
 - b. Consultant has not been notified by the IRS that Consultant is subject to backup withholding as a result of failure to report all interest or dividends; or
 - c. the IRS has notified Consultant that Consultant is no longer subject to backup withholding.
- iii. s/he is authorized to act on behalf of Consultant, s/he has authority and knowledge regarding Consultant's payment of taxes, and to the best of her/his knowledge, Consultant is not in violation of any Oregon tax laws (including, without limitation, those listed in Exhibit B);
- iv. Consultant is an independent contractor as defined in ORS 670.600; and
- v. the above Consultant data is true and accurate.

Signed by the Consultant:

ROW Consultants LLC

 Reba Crocker
 Reba@ROWConsultants.com

 Date

Accepted and Signed by the City:

City of Keizer

 Adam J. Brown
 City Manager
 BrownA@Keizer.org

 Date

EXHIBIT A SCOPE OF WORK

STATEMENT OF SERVICES:

- Services under this agreement are as listed below. Work will be managed by ROW Consultants, LLC staff in the most efficient and rapid manner.
- ROW code development and Assist Staff with Adoption
 - Draft a Municipal Right of Way (ROW) Code & Utility Tax for commercial Telecommunications, gas, electric providers
 - Draft fee schedule for both codes
 - Outreach with current and potential commercial providers
 - Assist with staff and Council questions
 - Support presentation at Council for adoption of codes
- Consultant will have the option to attend all meetings by a virtual platform, provided by City, and will not be required to physically attend meetings.

CONSIDERATION:

1. Travel & Other Expenses.
 - a. If requested by City or to perform services that requires travel exceeding 120 miles per day, City will reimburse Consultant at the current GSA mileage rate.
 - b. If requested by City to perform services that exceed 120 miles (one-way), overnight accommodations may be required (at Consultant's sole discretion), City will reimburse Consultant at the current GSA rate, including meals and incidental expenses.
 - c. Any licenses or registrations required by City to perform the services under this agreement, will be invoiced to and paid by City.
2. Consultant will not submit billings for, and City will not pay, any amount in excess of the compensation amount set forth above. If this maximum compensation amount is increased by amendment of this agreement, the amendment must be fully effective before Consultant performs services subject to the amendment. No payment will be made for any services performed before the beginning date or after the expiration date of this agreement.
3. Payment for all services performed under this agreement will be subject to the provisions of ORS 293.462.

EXHIBIT B INSURANCE

During the term of this agreement, Consultant will maintain in force at its own expense, insurance as noted below:

1. Workers' Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (contractors with one or more employees, and as defined by ORS 656.027).
2. General Liability insurance with combined single limit, or the equivalent, of no less than \$1,000,000 each occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It will provide that City and its officers, agents, and employees are additional insureds but only with respect to the Consultant's services to be provided under this agreement. Such insurance must be maintained for the entirety of this agreement.
3. Notice of cancellation or change. There will be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Consultant or its insurer(s) to City.
4. Certificates of insurance. As evidence of the insurance coverages required by this agreement, the Consultant will have on file and furnish to City evidence of the insurance and additional insured endorsement not more than ten (10) days after City Council approval of this agreement. The certificate will specify all of the parties who are additional insureds. Insuring companies or entities are subject to State acceptance. If requested, complete policy copies will be provided to the State. The Consultant will be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance. If Consultant at any time changes insurance carriers or policies, Consultant shall immediately provide updated insurance certificates and endorsements to City.

**Right of Way Program Management
PERSONAL SERVICES AGREEMENT**

THIS AGREEMENT is entered into between the City of Keizer, an Oregon municipal corporation ("City"), and ROW Consultants LLC, a Limited Liability Corporation ("Consultant"), collectively the "Parties".

1. Effective Date and Duration. This agreement becomes effective on October 1, 2022. Unless earlier terminated or extended, this agreement will expire on June 30, 2025. However, such expiration will not extinguish or prejudice the Parties right to enforce this agreement with respect to:

- i. any material breach by the parties;
- ii. any default or defect in Consultants' performance that has not been cured; or
- iii. any fees owed to Consultant.

This agreement may be extended for two (2) additional two-year terms upon mutual agreement of the parties.

2. Statement of Services. The scope of services to be performed by Consultant under this agreement (the "Services") is described in Exhibit A, attached, and incorporated by reference into this agreement. Consultant agrees to perform the services in accordance with the terms and conditions of this agreement.

3. Duties of Consultant.

3.1. Consultant will be responsible for the professional quality, technical accuracy and coordination of all services furnished by Consultant under this agreement. Consultant will, without additional compensation, correct or revise any errors or deficiencies in its work. However, Consultant is not obligated to perform such additional work as may be necessary to correct errors in the work product or services required under this agreement that are identified by City more than three (3) months following the termination of this agreement.

For the purpose of the agreement "errors" and/or deficiencies" does not include work that may become obsolete or not in compliance with the state or federal laws as the direct result of change to a regulation or statute or precedent affecting Consultant's services provided under this agreement. If the services provided by Consultant under this agreement complies with then existing law when the work is undertaken or completed and: state or federal law affecting the services provided changes during the life of the agreement, and/or City for any reason requests Consultant to prepare modifications, City will compensate Consultant for such service, under separate written agreement.

3.2. Consultant represents that it is qualified to furnish the services described in this agreement.

3.3. Consultant will be responsible for employing or engaging all persons necessary to perform its services.

3.4. It is understood that Reba Crocker will be designated by Consultant as the person serving as the main point of contact to City under this agreement and that this designated person will not be replaced without written consent by City.

4. Duties of City

4.1. City will timely provide Consultant the pertinent information regarding City's requirements for the Project.

4.2. City will timely provide Consultant the information required for Consultant to perform the services under this agreement.

4.3. City will expeditiously examine documents submitted by Consultant and will render decisions promptly, to avoid unreasonable delay in the progress of Consultant's work.

4.4. City certifies that sufficient funds are available and authorized for expenditure to finance the costs and fees contemplated by this agreement.

4.5. The contact person on the Project for City is designated as the City Attorney. City will provide written notice to Consultant if City changes its contact person.

5. Consideration & Payment. City agrees to pay Consultant for the services performed under this agreement as described in Exhibit B, attached hereto and by this reference made a part hereof.

6. Independent Contractor; Responsibility for Taxes and Withholding.

6.1. Consultant will perform all required services as an independent contractor and not as an employee of the City, and shall obtain no rights to any employee benefits, which accrue to City's employees. Although City reserves the right to evaluate the quality of the completed performance, City cannot and will not control the means or manner of Consultant's performance. Consultant is responsible for determining the appropriate means and manner of performing the services. Consultant will also provide, at its sole expense, all equipment, and materials necessary to perform the services described in this agreement, unless otherwise agreed.

6.2. If Consultant is currently performing services for the State of Oregon or the federal government, Consultant by signature to this agreement declares and certifies that: Consultant's services to be performed under this agreement creates no potential or actual conflict of interest as defined by ORS 244 and no rules or regulations of Consultant's employing agency (state or federal) would prohibit Consultant's services

under this agreement. Consultant is not an "officer", "employee", or "agent" of the City, as those terms are used in ORS 30.265.

6.3. Consultant will be responsible for all federal or state taxes applicable to compensation or payments paid to Consultant under this agreement and, unless Consultant is subject to backup withholding, City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligations. Consultant is not eligible for any social security, unemployment insurance or workers' compensation benefits from compensation or payments paid to Consultant under this agreement, except as a self-employed individual.

7. Subcontracts and Assignment; Successors and Assigns.

7.1. City has selected Consultant based on its reputation and specialized expertise. Consultant will not assign or transfer any of its interest in this agreement without City's prior written consent.

7.2. The provisions of this agreement will be binding upon and will inure to the benefit of the parties hereto, and their respective successors and permitted assigns, if any.

8. No Third-Party Beneficiaries. City and Consultant are the only parties to this agreement and are the only parties entitled to enforce its terms. Nothing in this agreement gives, is intended to give, or will be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this agreement.

9. Consultant's Representations and Warranties. Consultant represents and warrants to City that:

- i. it has the power and authority to enter into and perform this agreement;
- ii. it is registered and in good standing and licensed to do business in the State of Oregon;
- iii. this agreement, when executed and delivered, will be a valid and binding obligation of Consultant enforceable in accordance with its terms;
- iv. the services under this agreement will be performed in a good and workmanlike manner and in accordance with professional standards;
- v. Consultant will, at all times during the term of this agreement, be qualified, and professionally competent to perform the services; and
- vi. Consultant is not an attorney or lobbyist and will not provide legal or lobbying advice or services to or on behalf of City.

10. Ownership of Work Product. All work product of Consultant that results from this agreement (the "Work Product") which are submitted to City, is the exclusive property of City.

11. Indemnity. Consultant will defend, save, hold harmless, and indemnify City and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or

relating to the activities of Consultant under this agreement, only during the term of this agreement. This provision does not apply to claims, loss, liability or damage or expense arising from the sole negligence, or willful misconduct of City or anyone acting on behalf of the City.

11.1. Any use of Consultants work product that is not consistent in any manner or otherwise authorized or intended to be used under this agreement, will release Consultant from any and all obligations of indemnification to City.

11.2. Consultant as indemnifying party will in no event be obligated to City as indemnification party for any losses that exceed the amount of applicable insurance Consultant is obligated to have in place under this agreement.

12. Insurance. Consultant will provide insurance as indicated on Exhibit C, attached hereto and by this reference made a part hereof.

13. Termination

13.1. Parties' Right to Terminate for Convenience. This agreement may be terminated at any time by mutual written consent of the parties.

13.2. City's Right to Terminate for Cause. City may terminate this agreement, in whole or in part, immediately upon notice to Consultant, or at such later date as City may establish in such notice, upon the occurrence of any of the following events:

- i. City lacks sufficient funding, or appropriations, limitations, or other expenditure authority at levels sufficient to pay for Consultant's services.
- ii. Federal or state laws, regulations or guidelines are modified or interpreted in such a way that the services under this agreement are prohibited; or
- iii. Consultant commits any material breach or default of any covenant, warranty, or obligation under this agreement, fails to perform the services under this agreement within the time specified herein or any extension thereof, and such breach, default or failure is not cured within five (5) business days after delivery of City's notice, or such longer period as City may specify in such notice.

13.3. Consultant's Right to Terminate for Cause. Consultant may terminate this agreement immediately upon notice to City if City fails to perform under this agreement and City fails to cure within five (5) business days after receipt of Consultant's notice, or such longer period of cure as Consultant may specify in such notice.

13.4. Remedies.

- i. In the event of termination pursuant to Sections 13.1, 13.2(i), 13.2(ii) or 13.3, Consultant's sole remedy will be a claim for the sum designated for accomplishing the services up to the date of termination, together with a right to attorney fees under Section 26. If previous amounts paid to Consultant exceed

the amount due to Consultant under this subsection, Consultant will pay any excess to City upon demand.

- ii. In the event of termination pursuant to Section 13.2(iii), City will have any remedy available to it in law or equity, together with a right to attorney fees under Section 26. If it is determined for any reason that Consultant was not in default under Section 13.2(iii), the rights and obligations of the parties will be the same as if the agreement was terminated pursuant to Section 13.1.

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- i. ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES UNDER THIS AGREEMENT; OR
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20. Counterparts. This agreement may be executed in several counterparts, all of which when taken together constitute one agreement binding on all parties, notwithstanding that all

parties are not signatories to the same counterpart. Each copy of the agreement so executed will constitute an original.

21. Disclosure of Federal Tax ID Number. Consultant must provide Consultant's federal tax ID number. This number is requested pursuant to ORS 305.385, OAR 125-20-410(3) and OAR 150-305.100. Federal tax ID numbers provided pursuant to this authority will be used for the administration of state, federal and local tax laws.

22. Governing Law; Venue; Consent to Jurisdiction. This agreement will be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between City and Consultant that arises from or relates to this agreement will be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. Consultant hereby agrees to the in personam jurisdiction of such court and waives any claims of an inconvenient forum.

23. Confidentiality. Consultant, may, in the course of its duties have in its possession sensitive information relating to internal policies and procedures of City. All such information is confidential and unless permitted by City in writing, Consultant will not disclose such information, directly or indirectly, to any party, or any representatives, or use it in any way, except:

- i. to their legal representatives or attorney; or
- ii. as required to perform their duties as requested by City.

24. Merger Clause; Waiver. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement will bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, will be effective only in the specific instance and for the specific purpose given. The failure of the parties to enforce any provision of this agreement will not constitute a waiver by the parties of that or any other provision.

25. Notices.

The following addresses will be used to transmit notices, invoices, payments, and other information. Notices will be deemed given upon verifiable delivery. Changes may be made in the names and addresses of the person to who notices are to be given by giving written notice pursuant to this paragraph.

	City of Keizer	ROW Consultants LLC
Attn:	City Attorney	Reba Crocker
Address:	930 Chemawa Road NE Keizer, OR 97303	16890 SE Carmel Court Milwaukie, OR 97267
Phone:	503-856-3432	503.724.0766
Email:	JohnsonS@Keizer.org	Reba@ROWmanagers.com

26. Attorney Fees. Whether or not any action is brought, the prevailing party shall be entitled to recover all costs, including actual attorney's fees.

CONSULTANT DATA, CERTIFICATION AND SIGNATURE

Name (tax filing): ROW Consultants LLC	Address: 16890 SE Carmel Court Milwaukie OR 97267
Email: Reba@ROWmanagers.com	Phone #: 503.724.0766
Social Security #: or Federal Tax ID EIN #: 83-4406220	State Tax ID#: BIN 1807311-1
Citizenship , if applicable: Non-resident alien ☐ Yes ☐ No	
Business Designation (check one): ☐ Corporation ☐ Sole Proprietorship ☐ Limited Partnership ☐ Limited Liability Partnership ☐ Partnership ☒ Limited Liability Company	
Above payment information must be provided prior to Contract approval. This information will be provided to the Internal Revenue Service (IRS) under the name and taxpayer ID number submitted. Information not matching IRS records could subject Consultant to 31 percent backup withholding.	

Certification and Execution:

Consultant, by execution of this contract, hereby acknowledges that Consultant has read this contract, understands it, and agrees to be bound by its terms and conditions.

The Consultant hereby certifies that:

- i. the number shown on this form is Consultant's correct taxpayer ID; and
- ii. Consultant is not subject to backup withholding because:
 - a. Consultant is exempt from backup withholding;
 - b. Consultant has not been notified by the IRS that Consultant is subject to backup withholding as a result of failure to report all interest or dividends; or
 - c. the IRS has notified Consultant that Consultant is no longer subject to backup withholding.
- iii. s/he is authorized to act on behalf of Consultant, s/he has authority and knowledge regarding Consultant's payment of taxes, and to the best of her/his knowledge,

Consultant is not in violation of any Oregon tax laws (including, without limitation, those listed in Exhibit B);

- iv. Consultant is an independent contractor as defined in ORS 670.600; and
- v. the above Consultant data is true and accurate.

Signed by the Consultant:

ROW Consultants LLC

Reba Crocker
Reba@ROWManagers.com

Date

Accepted and Signed by the City:

City of Keizer

Adam J. Brown
City Manager
BrownA@Keizer.org

Date

EXHIBIT A
SERVICES TO BE PROVIDED

SCOPE OF WORK

Consultant will manage usage of the City's Right-of-Way by commercial providers of electric, natural gas, telecommunications, wireless, and cellular facilities for City. Management services includes monitoring and determining where reasonably possible, that known users of the Right-of-Way are properly authorized by City, are appropriately compensating City for use of the Right-of-Way, and are otherwise complying with federal, state, and City laws and regulations. Consultant will provide recommended updates to the City's ROW & Utility tax codes, as necessary. Additionally, Consultant will utilize and provide updates to City through a financial reporting system, designed by Consultant that tracks quarterly and annual licensee/franchisee payments. City will provide Consultant timely information of any activity pertaining to this agreement.

Consultant will not be responsible for City's use of Public, Educational and Government (PEG) funds.

Consultant will have the option to attend all meetings by a virtual platform, provided by City, and will not be required to physically attend any meetings.

As existing franchises expire, Consultant will convert providers to a licensed Right-of-Way provider status under the Right-of-Way and/or the Utility Tax codes or negotiate successor franchise agreements. Consultant will provide updates, for adoption by City to Right-of-Way and Utility Tax codes, as changes to relevant law and/or industry best practices dictate.

Consultant is not an attorney and is not providing legal advice to City. Nor will Consultant provide lobbying services. Consultant will not have responsibility for solid waste franchises or any agreements other than those listed in the first paragraph of this Exhibit.

City and Consultant will work collaboratively to ensure the success of City's Right-of-Way program. This includes, but is not limited to, incidental use of City meeting space by Consultant or resources for bulk mailings. City and Consultant will keep in close communication and regularly share information in a timely manner.

EXHIBIT B
CONSIDERATION AND PAYMENT

This exhibit is based on the City's adoption of the codes and fee schedule prepared by Consultant, effective on October 1, 2022. If City does not adopt the codes and fee schedule recommended by Consultant effective on October 1, 2022, the parties, will renegotiate the compensation under this agreement.

Additionally, City must allow the Consultant to enforce the codes and fees owed. If City allows reductions of the amount owed by the providers that are not recommended by Consultant, that amount will be considered collected for the purpose of calculating the compensation owed to Consultant, unless such reductions are due to City's legal counsel reasonably concluding that such reductions cannot likely be legally collected.

1. Fiscal year 2022 -2023 Compensation

City will pay Consultant a variable percentage of actual revenues collected by City from all users of the Rights of Way as described below:

The fee paid to Consultant is premised upon a percentage of actual and projected revenues collected in the fiscal years 2018-19, 19-20, 20-21 & 21-22, by City for the 2nd, 3rd and 4th fiscal year quarters, in comparisons to the Right-of-Way Revenue Base Amount (Base) which the parties agree will be based on the 4-year average of the 2nd, 3rd and 4th fiscal year quarters. The parties agree that Base amount is \$1,656,437.40.

For the purposes of this agreement, actual revenues will include all revenue collected for usage fees paid for 2nd, 3rd and 4th quarter of the fiscal year and any fees collected for past due periods, ROW usage fees, license fees, franchise & PEG fees, application and licensing fees, fines, and late fees. Actual revenues will exclude permitting fees.

Total compensation by City to Consultant will be the total of subsections 1(A), 1(B), 1(C), and 1(D) where those amounts are as described below:

- A. If total revenues are 0% (\$0.00) to 50% (\$828,218.70) of Base, Consultant will be paid \$0.
- B. If total revenues are greater than 50% of Base (\$828,218.70) but not exceeding 100% of Base (\$1,656,437.40), Consultant will be paid a fee of five percent (5%) based on collections over 50% of the Base. Maximum compensation to be paid under this subsection totals \$41,410.99 ($\$828,219.70 * 5\% = \$41,410.99$).
- C. If total revenues exceed 100% of Base (\$1,656,437.40) but not exceeding 110% of Base (\$1,822,081.14), Consultant will be paid a fee of fifteen percent (15%) based on collections over 100% of the Base. Maximum compensation to be paid under this subsection is \$24,846.56 ($\$1,822,081.14 - \$1,656,437.40 = \$165,643.74 * 15\% = \$24,846.56$). Subsection 1(C), if earned, will be paid in addition to compensation under subsection 1(B).

- D. If total revenues exceed 110% of Base (\$1,822,081.14), Consultant will be paid a fee of twenty-five (25%) based on collections over 110% of the Base. Subsection 1(D), if earned, will be paid in addition to compensation under subsection 1(B) and 1(C).

Consultant will invoice City monthly, upon execution of this agreement, in arrears of each month, starting at \$4,601.22 (1/9 of increment 1(B), $\$41,410.99 / 9 = \$4,601.22$).

If revenues exceed 100% of Base, Consultant's monthly invoices will include subsections 1(B), 1(C), and 1(D), if applicable at the time of invoicing.

City will make full payment within fourteen (14) days of receipt of each invoice. Amounts not paid within thirty (30) days will be subject to a monthly service charge of one and one-half percent (1.5%) per month, or fraction thereof on the unpaid balance.

Within sixty (60) days of the end of the fiscal year (August 29), City and Consultant will reconcile all revenue received by City related to this agreement, for the past fiscal year. City and Consultant will then calculate total payment due to Consultant for subsections 1(B), 1(C), and 1(D). City will pay Consultant any additional amounts due within thirty (30) days of reconciliation. Consultant shall refund to City any amounts overpaid within thirty (30) days of reconciliation.

If the total revenues for the 2nd, 3rd and 4th quarters of fiscal year 2022-2023 do not reach \$1,697,848.39 (Base \$1,656,437.40 + Section 1(B) (\$41,410.99)) or more, Consultant will reimburse City fifty percent (50%) of compensation received within sixty (60) days of reconciliation of the fiscal year.

2. Compensation after fiscal year 2022-2023

City will pay Consultant a variable percentage of actual revenues collected by City from all users of the Rights of Way as described below:

The fee paid to Consultant is premised upon a percentage of revenues collected by City for the fiscal year, in comparisons to the Public Right of Way Revenue Base Amount (Base) which the parties agree will be based on the 4-year average. The parties agree that Base amount is \$1,896,581.37.

For the purposes of this agreement, actual revenues will include all revenue collected for the fiscal year and any fees collected for past due periods, ROW usage fees, license fees, franchise & PEG fees, application and licensing fees, fines, and late fees. Actual revenues will exclude permitting fees. Additionally, City must allow Consultant to enforce the codes and fees owed. If City allows reductions of the amount owed by the providers, that is not recommended by Consultant, that amount will be considered collected for the purpose of calculating the compensation owed to Consultant, unless such reductions are due to City's legal counsel reasonably concluding that such reductions cannot likely be legally collected.

Total compensation by City to Consultant will be the total of subsections 2(A), 2(B), 2(C), and 2(D) where those amounts are as described below:

- A. If total revenues are 0% (\$0.00) to 50% (\$948,290.69) of Base, Consultant will be paid \$0.
- B. If total revenues are greater than 50% of Base (\$948,290.69) but not exceeding 100% of Base (\$1,896,581.37), Consultant will be paid a fee of five percent (5%) based on collections over 50% of the Base. Maximum compensation to be paid under this subsection \$47,414.53 ($\$948,290.69 \times 5\% = \$47,414.53$).
- C. If total revenues exceed 100% of Base (\$1,896,581.37) but not exceeding 110% of Base (\$2,086,239.51), Consultant will be paid a fee of fifteen percent (15%) based on collections over 100% of the Base. Maximum compensation to be paid under this subsection \$28,448.72 ($\$2,086,239.51 - \$1,896,581.37 = \$189,658.14 \times 15\% = \$28,448.72$). Subsection 2(C), if earned, will be paid in addition to compensation under subsection 2(B).
- D. If total revenues exceed 110% of Base (\$2,086,239.51), Consultant will be paid a fee of twenty-five percent (25%) of any amounts over 110% of the Base. Subsection 2(D), if earned, will be paid in addition to compensation under subsection 2(B) and 2(C).

Consultant will invoice City monthly for the period beginning July 1, 2023, in arrears of each month, starting at \$3,951.21 (1/12 of increment 2(B), $\$47,414.53 / 12 = \$3,951.21$).

City will make full payment within fourteen (14) days. Amounts not paid within thirty (30) days will be subject to a monthly service charge of one and one-half percent (1.5%) per month, or fraction thereof on the unpaid balance.

If revenues exceed 100% of Base, Consultant's monthly invoices will include subsections 2(C) and 2(D) fees, if applicable at the time of invoicing.

Within sixty (60) days of the end of the fiscal year (August 28), City and Consultant will reconcile all revenue received by City related to Consultant's performance under this agreement, for the past fiscal year. City and Consultant will then calculate total payment due to Consultant for subsections 2(C) and 2(D). City will pay Consultant any additional amounts due within thirty (30) days of reconciliation. Consultant shall refund to City any amounts overpaid within thirty (30) days of reconciliation.

If payment needs to be prorated, City will compensate Consultant for the actual time this agreement is effective and equaling a minimum of \$3,951.21 per month, \$911.82 per week, or \$129.90 per day, subject to the potential refund set forth in the last paragraph of Section 1 above.

3. Travel and Other Expenses.

- a. If requested by City to perform services that requires travel exceeding 120 miles per day, City will reimburse Consultant at the current GSA mileage rate.

- b. If requested by City to perform services that exceed 120 miles (one-way), overnight accommodations may be required (at Consultant's sole discretion), City will reimburse Consultant at the current GSA rate, including meals and incidental expenses.
- c. Any licenses or registrations required by City to perform the services under this agreement, will be invoiced to and paid by City.

Consultant will not submit billings for, and City will not pay, any amount in excess of the compensation amount set forth above. If this maximum compensation amount is increased by amendment of this agreement, the amendment must be fully effective before Consultant performs services subject to the amendment. No payment will be made for any services performed before the beginning date or after the expiration date of this agreement, with the exception of the fiscal year reconciliation as described under sections 1 and 2 of this Exhibit.

Payment for all services performed under this agreement will be subject to the provisions of ORS 293.462.

**EXHIBIT C
INSURANCE**

During the term of this agreement, Consultant will maintain in force at its own expense, insurance as noted below:

1. Workers' Compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (contractors with one or more employees, and as defined by ORS 656.027).
2. General Commercial Liability insurance with combined single limit, or the equivalent, of no less than \$1,000,000 each occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It will provide that City and its officers, agents, and employees are additional insureds but only with respect to Consultant's services to be provided under this agreement. Such insurance must be maintained for the entirety of this agreement.
3. Notice of cancellation or change. There will be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from Consultant or its insurer(s) to City.
4. Certificates of insurance. As evidence of the insurance coverages required by this agreement, Consultant will have on file and furnish to City evidence of the insurance and additional insured endorsement not more than ten (10) days after City Council approval of this agreement. The certificate will specify all of the parties who are additional insureds. Insuring companies or entities are subject to State acceptance. If requested, complete policy copies will be provided to the State. Consultant will be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance. If Consultant at any time changes insurance carriers or policies, Consultant shall immediately provide updated insurance certificates and endorsements to City.

CITY COUNCIL MEETING: June 21, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE
AND KEIZER COMPREHENSIVE PLAN**

At the May 2, 2022 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes and the Keizer Comprehensive Plan revisions relating to middle housing. Such Ordinance is attached for your review.

There were minor format and other corrections made since the May 2, 2022 meeting. The only substantive change was in KDC Section 3.115.05 (Middle Housing Land Divisions) and KDC Section 3.116.05 (Expedited Land Divisions) to clarify that the referee shall hold a hearing upon appeal. Minor changes were made in other sections in connection with this clarification.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING
MIDDLE HOUSING AND RELATED MATTERS; AMENDING
KEIZER COMPREHENSIVE PLAN; **AMENDING ORDINANCE 98-
389 AND ORDINANCE 87-077; DECLARING AN EMERGENCY**

WHEREAS, the Keizer Planning Commission has recommended to the Keizer City Council amendments to the Keizer Development Code (Ordinance No. 98-389) and the Keizer Comprehensive Plan (Ordinance No. 87-077);

WHEREAS, the City Council held a hearing on this matter on May 2, 2022 and considered the testimony given and the recommendation of the Keizer Planning Commission;

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

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

NOW, THEREFORE,

The City of Keizer ordains as follows:

Section 1. **FINDINGS.** The City of Keizer adopts the Findings set forth in

1 Exhibit "A" attached hereto and by this reference incorporated herein.

2 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

3 The Keizer Development Code (Ordinance No. 98-389) is hereby amended at Section
 4 1.200 (Definitions), Section 2.102 (Single Family Residential (RS)), Section 2.103
 5 (Limited Density Residential (RL)), Section 2.104 (Medium Density Residential
 6 (RM)), Section 2.105 (High Density Residential (RH)), Section 2.107 (Mixed Use
 7 (MU)), Section 2.108 (Commercial Office (CO)), Section 2.110 (Commercial Mixed
 8 Use (CM)), Section 2.112 (Commercial General (CG)), Section 2.114 (General
 9 Industrial (IG)), Section 2.116 (Public (P)), Section 2.118 (Urban Transition (UT)),
 10 Section 2.130 (River-Cherry Overlay District (RCOD)), Section 2.301 (General
 11 Provisions), Section 2.303 (Off-Street Parking and Loading), Section 2.306 (Storm
 12 Drainage), Section 2.308 (Signs), Section 2.313 (Accessory Structures and Uses),
 13 Section 2.314 (Standards for Single Family Dwellings), Section 2.315 (Development
 14 Standards), Section 2.403 (Shared Housing Facilities), Section 2.404 (Zero Side Yard
 15 Dwelling Units), Section 2.432 (Cottage Cluster Development), Section 3.101
 16 (Summary of Application Types), Section 3.115 (Middle Housing Land Divisions),
 17 Section 3.116 (Expedited Land Divisions), Section 3.202 (General Procedures – Types
 18 I, II, AND III), Section 3.205 (Public Hearing Before the Hearings Officer or Planning
 19 Commission), and Section 3.207 (Appeal Provisions) as set forth in Exhibit "B"
 20 attached hereto, and by this reference incorporated herein.

Section 3. AMENDMENT OF THE KEIZER COMPREHENSIVE PLAN.

The Keizer Comprehensive Plan is amended as set forth in Exhibit “C” attached hereto, and by this reference incorporated herein.

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

Section 5. EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 2022.

SIGNED this _____ day of _____, 2022.

Mayor

City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to Section 1.200 (Definitions), Section 2.102 (Single Family RS), Section 2.103 (Limited Density RL), Section 2.104 (Medium Density RM), Section 2.105 (High Density RH), Section 2.107 (Mixed Use MU), Section 2.108 (Commercial Office CO), Section 2.110 (Commercial Mixed Use CM), Section 2.112 (Commercial General CG), Section 2.114 (General Industrial IG), Section 2.116 (Public P), Section 2.118 (Urban Transition UT), Section 2.130 (River-Cherry Overlay District RCOD), Section 2.301 (General Provisions), Section 2.303 (Off-Street Parking and Loading), Section 2.306 (Storm Drainage), Section 2.308 (Signs), Section 2.313 (Accessory Structures and Uses), Section 2.314 (Design Standards), Section 2.315 (Development Standards), Section 2.403 (Shared Housing), Section 2.404 (Zero-Side Yard Dwellings), Section 2.432 (Cottage Cluster Development), Section 3.101 (Application Types), Section 3.115 (Middle Housing Land Divisions), Section 3.116 (Expedited Land Divisions), Section 3.202 (General Procedures), Section 3.205 (Public Hearing Before Hearings Officer), and Section 3.207 (Appeal Provisions) of the Keizer Development Code (KDC) and Chapter 10 (Housing) of the Keizer Comprehensive Plan.

The City of Keizer finds that:

1. General Findings.
The particulars of this case are found within Planning file Text Amendment 2021-01. Public hearings were held before the Planning Commission on April 13, 2022 and before the City Council on May 2, 2022. Both the Planning Commission and the City Council voted unanimously in favor of the proposed revisions.
2. Criteria for approval are found in Section 3.111.04 of the Keizer Development Code. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the criteria are met. Amendments to the map shall be reviewed for compliance with all of the listed criteria in Section 3.1104, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given this is a text amendment, Section 3.111.04 A is not applicable.
3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**

Findings: The proposed revisions to the Development Code reflect a demonstrated need. A recent Housing Needs Analysis conducted by ECONW found that an estimated 21% of projected housing needs will be for middle housing types, including townhouses, duplexes, triplexes, and quadplexes. The proposed amendments to allow middle housing types in all residential zones and comply with HB 2001 will support the City in meeting the forecasted 20-year need for middle housing types.

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

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

Goal 1 – Citizen Involvement: In 2020, the Land Conservation and Development Commission (LCDC) adopted new administrative rules governing how some Oregon jurisdictions regulate middle housing and established a deadline for compliance of June 30, 2022.

Statewide Planning Goal 1 requires governing bodies charged with preparing and adopting a comprehensive plan to adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land use planning process. The City conducted work sessions with the Keizer Planning Commission in October 2021, December 2021, January 2022, February 2022, and March 2022, each of which was open to the public. The City also included information on the City’s Website to provide the general public with information about the goals of the code update project and the proposed amendments to the Development Code.

The City of Keizer held a public hearing with the Planning Commission on April 13, 2022, and held a public hearing with the City Council on May 2, 2022. These hearings were open to the public and provided an opportunity for community members to comment on the required amendments. The City intends on amending the KDC to meet minimum compliance for HB 2001 and OAR 660-046. While it is important to provide opportunities for community input, comments on KDC amendments likely would have minimal impact on the outcome of the updates because, at a minimum, the City is required to comply with OAR 660-046 and HB 2001 and the City is generally recommending direct compliance with the OAR provisions for minimum compliance.

The City held a virtual, online open house and survey to share information about the project and HB 2001 and SB 458, and to solicit public input to help inform recommended amendments. The online open house and survey were advertised in the Keizertimes newspaper and City website. Planning staff also presented project information and solicited feedback at the West Keizer Neighborhood Association meeting in Spring 2022. Information on the project was also distributed via email to the City’s interested citizens mailing list in Spring of 2022.

The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes newspaper. Citizens were afforded the opportunity to participate in the public process. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this proposed planning

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

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The city has an adopted comprehensive plan acknowledged by the state. The adoption proceeding was conducted in a manner consistent with the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. The proposed revisions to the Keizer Development Code are consistent with this statewide planning goal and administrative rules. Statewide Planning Goal 2, Land Use Planning requires that local jurisdictions establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed amendments are intended to ensure consistency with state laws (House Bill 2001 and ORS 197.758) and administrative rules (OAR 660-046). These state laws require cities to allow middle housing in all areas zoned for residential use that allow for development of single-family detached dwellings. Proposed amendments to the Keizer Development Code add and revise land use development and review standards for middle housing types in the City’s residential zone designations. These amendments are also consistent with Chapter 10 – Housing – of the Keizer Comprehensive Plan. These amendments are subject to public notice, an initial evidentiary hearing before the Planning Commission and a final review by the City Council. Thus, a well-established planning process and policy framework exists within the City and has been utilized to create and adopt the proposed amendments. Therefore, this criterion is satisfied.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city’s SA zone is a state recognized EFU qualifying zone. The amendments involve modifications and clarifications to the RS, RL, RM, RH, MU, and RCOD zones, which apply to residential lands. The changes do not affect farm lands. These provisions do not affect lands that are outside the city limits or any lawful uses occurring on those lands, nor does it amend any of those existing zoning designations. The proposed amendments will comply with the Farm Land Goal and with implementing administrative rules. However, the amendments are supportive of the goal to encourage development within the UGB in a more compact and efficient land use pattern that helps to preserve agricultural lands.

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

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city has a wetland inventory of sites where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the city has storm water regulations to protect water quality of the local water ways. The proposed amendments will not preclude any of the city's natural resources protection regulations nor the lawful use of any properties that are within the City. The City's natural resource regulations will continue to apply and to protect Goal 5 resources and that there is no change to the standards related to water, air and sound quality. The City will limit the development of middle housing other than duplexes in significant natural resource sites identified and protected in the Resource Conservation Overlay Zone pursuant to Goal 5, as allowed by OAR 660-046. Therefore, the proposed text amendments will be consistent with this goal and with administrative rules which implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality in the Willamette River and local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses and are enforced by appropriate state agencies which govern air emission standards. The proposed revisions comply with this goal and with the administrative rules that implement this goal.

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

development restrictions and standards in these overlay zones that are intended to minimize risk will also apply to middle housing development.

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

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

Goal 10 – Housing: Per state requirements, local housing policies contained in a Comprehensive Plan must meet Oregon statewide planning Goal 10 and administrative rules that implement state land use planning statutes (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008). Goal 10 requires incorporated cities to complete a residential Buildable Lands Inventory (BLI) and Housing Needs Analysis (HNA). Goal 10 also requires cities to encourage the numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. Goal 10 defines needed housing types as “all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes.”

This goal requires the city to plan and provide for the housing needs of its residents. The adopted Housing Needs Analysis found that for the upcoming 20-year period that there will be a need for 4,513 new units to house the future population. The inventory of buildable residential lands contain a supply of 315.2 acres which are vacant, partially vacant or re-developable and can accommodate an estimated 2,422 units resulting in 2,090 units which must be accommodated beyond the City’s existing capacity. When this remaining land need is apportioned to Keizer’s residential zones, the HNA estimates a 20-year need of

267 gross acres of residential land. The proposed amendments will promote more efficient use of the City's residential land supply by allowing denser forms of housing in existing residential zones. Specifically, amendments are recommended to expand housing types to comply with HB 2001 as implemented by Oregon Administrative Rules (OAR) in Chapter 660-046. Allowing middle housing types that were previously prohibited in zones that allow detached single-family housing will provide more housing options within existing and new neighborhoods and may result in housing that is more affordable than existing single-family detached housing development. The amendments will further enable development of middle housing types in these zones and will ultimately help the City meet their projected housing need. The proposed updates therefore support Goal 10.

House Bill 2001 amended ORS 197.296 – Factors to establish sufficiency of buildable lands within urban growth boundary – to allow cities to project an increase in residential capacity above achieved density by no more than three percent based on HB 2001 and OAR 660-046 compliance. If a city chooses to assume a capacity increase over three percent, the city must provide quantifiable validation to demonstrate assumed capacity resulting from the middle housing amendments to comply with HB 2001 and OAR 660-046. The City of Keizer does not anticipate an increase in capacity above achieved density by more than three percent. Based on the HNA results cited above, a three percent increase in estimated housing capacity would result in an estimated additional 72 units, which would increase total estimated housing capacity to 2,494 total units.

Cities are not required by state rules or laws to evaluate the potential increase in housing capacity as a result of implementation of middle housing code amendments unless they choose to take an alternative approach to the state's requirements for allowing middle housing in residential areas. The City of Keizer is not choosing to implement that alternative strategy. As a result, the City has not quantified the impact of the proposed code amendments on housing capacity. However, the updated code will allow for development of middle housing on a significant number and percentage of lots in Keizer where middle housing was not previously permitted, given that a substantial percentage of residential lots in Keizer are greater than 5,000 sf in size (the threshold for triplexes) or 7,000 sf in size (the threshold for quadplexes and cottage clusters).

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, an established street system, administrative services and police services. Sanitary sewer service is provided by the city of Salem through an intergovernmental agreement. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning

period. Existing public facilities and services standards will apply to Middle Housing and the City's procedures for the review of building permits will continue to apply. As described in OAR 660-046, the City will apply these standards and will work with applicants developing Middle Housing to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a triplex, fourplex, townhouse or cottage cluster development application. As defined in 660-046-0020(16) "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:

- a. Connection to a public sewer system capable of meeting established service levels.
- b. Connection to a public water system capable of meeting established service levels.
- c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- d. Storm drainage facilities capable of meeting established service levels for storm drainage.

Therefore, the revisions will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The City's street/transportation standards will apply to Middle Housing to help ensure a safe transportation system. The increased density that could be provided by Middle Housing helps support a compact urban form which can be more transit-supportive and pedestrian and bicycle-friendly thus potentially reducing the number and length of automobile trips. The proposed text amendment will not affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The proposed text amendments will have no adverse impact on the city's transportation systems and will not affect this goal or any implementing rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. Middle housing development promotes more compact development with attached units that tend to be smaller than single-family detached, and therefore have the potential to offer improved energy efficiency per-unit compared to lower density, detached single family development. Therefore, proposed text amendments are consistent with this goal or and the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed

text amendments will affect only land that is within the city limits and will not impact the use of any land being transitioned from rural to urbanized uses and is therefore consistent with this goal. The proposed amendments are supportive of goal to achieve stable land use growth which results in a desirable and efficient land use pattern and discourage low-density sprawl. The amendments also support land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The revisions to the city’s development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River Greenway Management overlay zone regulations. Therefore, the proposed amendments are consistent with this goal.

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

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

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

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

FINDINGS: The proposed text amendment will revise Section 1.200 (Definitions), Section 2.102 (Single Family Residential (RS)), Section 2.103 (Limited Density Residential (RL)), Section 2.104 (Medium Density Residential (RM)), Section 2.105 (High Density Residential (RH)), Section 2.107 (Mixed Use (MU)), Section 2.108 (Commercial Office (CO)), Section 2.110 (Commercial Mixed Use (CM)), Section 2.112 (Commercial General (CG)), Section 2.114 (General Industrial (IG)), Section 2.116 (Public (P)), Section 2.118 (Urban Transition (UT)), Section 2.130 (River-Cherry Overlay District (RCOD)), Section 2.301 (General Provisions), Section 2.303 (Off-Street Parking and Loading), Section 2.306 (Storm Drainage), Section 2.308 (Signs), Section 2.313 (Accessory Structures and Uses), Section 2.314 (Standards for Single Family Dwellings), Section 2.315 (Development Standards), Section 2.403 (Shared Housing Facilities), Section 2.404 (Zero Side Yard Dwelling Units), Section 2.432 (Cottage Cluster Development), Section 3.101 (Summary of Application Types), Section 3.115

(Middle Housing Land Divisions), Section 3.116 (Expedited Land Divisions), Section 3.202 (General Procedures – Types I, II, AND III), Section 3.205 (Public Hearing Before the Hearings Officer or Planning Commission), and Section 3.207 (Appeal Provisions) of the Keizer Development Code (KDC).

House Bill 2001 was adopted by the Oregon State Legislature in 2019, and it requires cities with populations over 25,000 to allow duplexes, triplexes, quadplexes, townhouses, and cottage clusters in every residential zone that allows single-family detached housing. Keizer has a population over 25,000, and therefore the City is required to comply with HB 2001 by June 30, 2022.

Implementing rules for HB 2001 were established by OAR 660-046. Cities subject to HB 2001 are required to meet the minimum compliance standards established in OAR 660-046 by June 30, 2022. In addition, the State adopted Senate Bill 458 in 2021, which requires cities subject to HB 2001 to allow expedited land divisions for middle housing. Requirements for SB 458 are established in the legislation and in ORS 197.360-197.380. These rules will become effective June 30, 2022. Cities are not required to update their development codes or zoning ordinances for SB 458 – the rules will apply regardless and any conflicting standards in the development code would be rendered obsolete. The proposed amendments also include recommended amendments to incorporate the State’s requirements for SB 458 to allow for middle housing land divisions. SB 458 amendments for middle housing land divisions will support local implementation and administration of the new land division requirements. The amendments to each Code section stated above are appropriate because they are intended to meet the mining compliance standards in OAR 660-046, as mandated by State law through HB 2001.

The Comprehensive Plan encourages infill development as a residential development policy. The recommended amendments to comply with HB 2001 and implement SB 458 will support the City’s goal to encourage infill development by promoting middle housing development in existing residential zones. The proposed amendments include provisions to allow conversions of existing single family housing to middle housing types, which will further encourage residential infill development in existing neighborhoods.

6. OAR 660-046 Middle Housing in Medium and Large Cities

660-046-0010 Applicability

(3) A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.

(a) Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division

23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.

FINDINGS: The City’s natural and historic resource regulations will continue to apply and to protect Goal 5 resources and that there is no change to the standards related to water, air and sound quality or historic resources. The applicable resource regulations include the Resource Conservation Overlay Zone (Section 2.126) and the Historic Resources (Section 2.127). In addition, local natural hazard regulations that comply with Statewide Goal 7 will also continue to apply to middle housing development. The applicable natural hazard regulations includes the Floodplain Overlay Zone (Section 2.122).

660-046-0020 Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 apply, unless the context requires otherwise. In addition, the following definitions apply:

(6) “Duplex” means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.

(14) “Quadplex” means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.

(19) “Triplex” means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.

FINDINGS: The City updated definitions in KDC Section 1.200.04 to include middle housing definitions consistent with the state’s definitions. Amendments were made to definitions for multi-family dwellings to five or more dwellings to distinguish triplexes and quadplexes from multi-family housing, and new definitions were added for townhouses, triplexes, quadplexes, and cottage clusters.

The City explored the possibility for allowing detached duplexes, triplexes, and quadplexes. After much deliberation among staff, Planning Commission, and interested community members, the City ultimately decided to only allow attached duplexes, triplexes, and quadplexes. A majority of Planning Commission members did not support the policy option to allow detached plexes, and community survey results did not indicate strong enough support to warrant pursuing this policy option (survey responses were roughly split between support and opposition). City staff and the Planning Commission acknowledged the potential opportunities that would be available to property owners with detached plexes, however the City determined that eligible property owners would still likely have options available to either convert their property to a cottage cluster or a more conventional attached plex. The City also hopes cottage clusters combined with Middle Housing Land Divisions will provide more affordable homeownership opportunities, given their relatively small unit sizes.

660-046-0030 Implementation of Middle Housing Ordinance

- (1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.*
- (2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:*
 - (a) Waiving or deferring system development charges;*
 - (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and*
 - (c) Assessing a construction tax under ORS 320.192 and ORS 320.195.*

FINDINGS: The City recently completed a Housing Needs Analysis that was conducted by ECONW. As a part of the HNA project, the City considered a range of housing strategies to help Keizer meet its identified housing needs. Some of these strategies included SDC waivers or deferrals for needed housing types (Action 4.1), which includes middle housing types (estimated 21% of needed housing types in next 20 years). The City also considered Construction Excise Taxes to help fund affordable housing projects (Action 4.3) and the establishment of a tax increment financing (TIF – urban renewal districts) to promote affordable housing production (Action 4.2). These strategies were raised for the Planning Commission to consider for middle housing at the Planning Commission hearing on April 13, 2022. In addition, the City Council will be forming an Affordable Housing Work Group, which will continue to explore the affordable housing strategies identified during the HNA and how they may be applied to needed housing types, including middle housing.

660-046-0105 and 660-0460-0205 Applicability of Middle Housing in Medium and Large Cities

- (1) A Medium [and Large] City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.*
- (2) A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:*

FINDINGS: The City currently has 6 residential zones that permit single-family detached and are therefore subject to HB 2001. The only zone that does not currently permit any middle housing type outright is the Single Family (RS) zone. Every other residential zone allows each middle housing type outright except for cottage clusters, which are allowed as a conditional use in each residential zone. Amendments are included for Single Family (RS – Section 2.102) to allow duplexes, triplexes, quadplexes, townhouses, and cottage cluster outright. Amendments to allow cottage clusters outright are also included for the Limited Density (RL – Section 2.103), Medium Density (RM – Section 2.104), High Density (RH – Section 2.105), Mixed Use (MU – Section 2.107), and the River Cherry Overlay (RCOD – Section 2.130). As amended, these criteria are met.

660-046-0220 Middle Housing Siting Standards in Large Cities

(1) Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.

(2) The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:

(a) Minimum Lot or Parcel Size:

(A) For Triplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.

(B) For Quadplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.

(C) A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs (A) or (B).

(b) Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplexes and Triplexes.

[...]

(3) The following governs Large Cities' regulation of siting standards related to Townhouses:

(a) Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.

(b) Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.

(c) Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

[...]

(4) The following governs Large Cities' regulation of siting standards related to Cottage Clusters:

(a) Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:

(A) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.

(B) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.

(c) Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.

(d) Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.

(e) Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of less than 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.

[...]

(g) Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.

FINDINGS: Amendments are included to update middle housing siting/development standards in Section 2.102.05 (Single Family RS Dimensional Standards), 2.103.05 (Limited Density RL Dimensional Standards) Section 2.104.05 (Medium Density RM Dimensional Standards) and Section 2.105.05 (High Density RH Dimensional Standards), Section 2.107.06 (Mixed Use MU Dimensional Standards), and Section 2.130.05 (River Cherry RCOD Dimensional Standards). The minimum lot sizes for

duplexes will be reduced to be the same size as single-family detached in each zone, and triplex minimum lot sizes will be 5,000 square feet for each zone and 6,000 square feet for the RH, and quadplexes and cottage clusters will be reduced to 7,000 square feet for each zone. Townhouses will have a minimum lot size of 1,500 square feet for each zone.

The City explored the possibility of allowing middle housing on smaller lot sizes than what is required by the state (e.g., triplex minimum lot size less than 5,000 square feet, quadplex/cottage cluster minimum lot size less than 7,000 square feet). Allowing middle housing on smaller lot sizes would effectively increase the allowable density for these housing types as well, considering density for middle housing is controlled by lot size requirements. The option to require smaller lot sizes for middle housing was raised with the Planning Commission and it was included on an online community survey. Most Planning Commission members did not support the option to lower middle housing minimum lot sizes below the state requirements, and a majority of survey respondents were opposed to lowering minimum lot sizes as well. The Planning Commission and community input regarding minimum lot size options for middle housing indicate the City does not wish to increase allowable density for these housing types.

Each middle housing type will either have the same lot width or street frontage width as single-family detached in every applicable zone, except for townhomes, which will be exempt from lot width standards and will have a minimum frontage of 20 feet, consistent with provisions of the OARs. In addition, each middle housing type will be exempt from any density standard except for townhomes, which will have a max density of 25 units/acre for each applicable zone. A minimum of four cottage cluster units per acre will also be required for cottage cluster developments. Setback standards are applied equally for every middle housing type except for cottage clusters, which will have a perimeter setback that is no greater than 10 feet for each zone, and townhomes will be allowed an interior side-yard setback of 0 feet. The same existing maximum height of 35 feet will continue to be applied to middle housing (except a max of 25 feet for cottage clusters), as well as the same existing lot width and depths for each housing type.

660-046-0120 and 660-046-0220 – Duplex and Middle Housing Parking Standards

[...]

(a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex.

[...]

(e) Parking:

(A) For Triplexes, a Large City may require up to the following off-street parking spaces:

(i) For Lots or Parcels of less than 3,000 square feet: one space in total;

(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and

(iii) For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.

(B) For Quadplexes, a Large City may require up to the following off-street parking spaces:

(i) For Lots or Parcels of less than 3,000 square feet: one space in total;

(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;

(iii) For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and

(iv) For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.

(D) A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.

[...]

(F) A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230

[...]

(f) Parking:

(A) A Large City may not require more than one off-street parking space per Townhouse dwelling unit

[...]

(f) Parking:

(A) A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.

FINDINGS: As discussed in the findings for middle housing minimum lot sizes, triplexes will not have a lot size less than 5,000 square feet in any zone, and quadplexes will not have a lot size less than 7,000 square feet in any zone. Therefore, amendments are included to require minimum off-street parking of one space per unit each middle housing type (three spaces for triplexes, and four spaces for quadplexes) for Section 2.303.06 (Off-Street Automobile Parking Requirements). This standard also equates to two total spaces for duplexes, and one space per unit for townhouses and cottage clusters.

The City explored reducing minimum parking standards beyond the minimum parking requirements established by the state. This option was raised with the Planning Commission and on a online community survey. Both the Planning Commission and survey respondents expressed strong opposition to reducing minimum parking requirements for middle housing. As a result, the

Exhibit “A”

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City chose to amend minimum parking requirements for middle housing to meet the state's minimum compliance standards, which is one off-street space per unit (as described above).

660-046-0225 Middle Housing Design Standards in Large Cities

(1) *A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:*

(a) *Design standards in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b)*

(b) *Design standards that are less restrictive than those in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b)*

(c) *The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or*

FINDINGS: The existing residential design standards that apply to single family detached housing, per Section 2.314, are proposed to apply to each middle housing type. These existing design standards meet clear and objective criteria. In addition, the existing cottage cluster section was revised to both meet clear and objective standards and to ensure the design and development standards in that section are no more restrictive than the cottage cluster design and development standards established in the Middle Housing Model Code. As amended, the recommended updates comply with the minimum compliance standards for clear and objective requirements and middle housing design standards.

660-046-0215 Permitted Uses and Approval Procedures and 660-046-0230 Middle Housing Conversions

Approval Procedures:

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Middle Housing Conversions

(1) *Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in a Large City pursuant to OAR 660-046-0205(2), provided that the*

addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.

FINDINGS: The proposed Code update includes amendments to subject cottage clusters to the same review and approval procedures that currently apply to single family detached and every other housing type, which is the Development Review procedure (Type I-C, Section 3.101).

Amendments are also included to allow conversions from single family detached to a duplex, triplex, quadplex, or cottage cluster. These amendments were added to the existing Design Standards section (Section 2.314).

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 Keizer Development Code (general), and those terms that are applicable 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 2.122 |
| [Greenway] | Greenway Management Overlay Zone; Section 2.123 |
| [Historic] | Historic Resources; Section 2.127 |
| [RV Park] | Recreational Vehicle Spaces and 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 or feminine include all genders. 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. (12/19)

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)

Accessory Dwelling: An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. (1/19)

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 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 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)

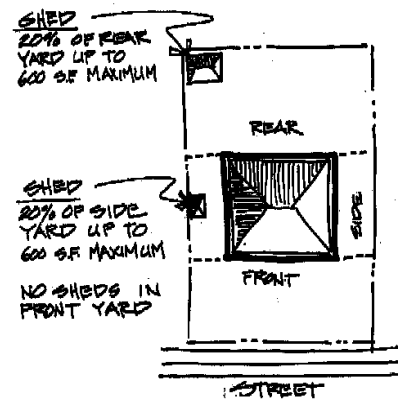
Administrative Decision: A decision made by applying the existing standards contained in this Ordinance and without a public hearing. (5/98)

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)



Accessory Structure

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

Appeal [Flood]: A request for a review of the interpretation of any provision of this ordinance or a request for a variance. (12/20)

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)

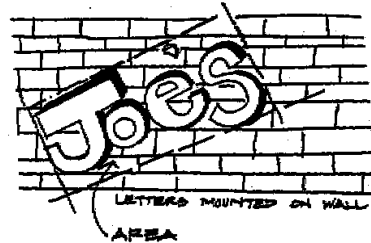
Architectural Rear: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural rear of a building is opposite the architectural front, or the façade with the main point of entry into the building. 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

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)

Auto-oriented development: Development that is designed to accommodate customers who use automobiles to travel to the site. This type of development typically provides more than the minimum required number of parking spaces. Buildings entrances tend to emphasize providing convenient access to parking areas. Other typical characteristics are drive-through facilities, multiple driveways, and a low lot coverage percentages. (12/19)

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)

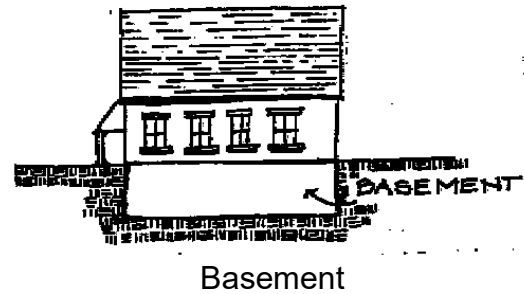


Sign Awning

Base Flood [Flood]: The flood having a one percent chance of being equaled or exceeded in any given year. (12/20)

Base Flood Elevation (BFE) [Flood]: The elevation to which floodwater is anticipated to rise during the base flood. (12/20)

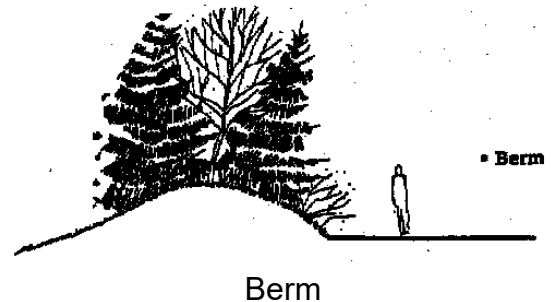
Basement: That habitable portion of a building between floor and ceiling which is all below, or partly below and partly above, grade, but so located that for all exterior walls the average vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to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



Basement [Flood]: Any area of the building having its floor subgrade (below ground level) on all sides. (12/20)

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)

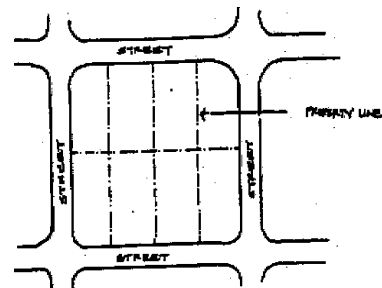
Berm: A linear mound of soil. (5/98)



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)

Building Plane: The plane of a building wall that extended from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. The plane does not include roof area. (12/18)

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 [Flood]: The city limits of the City of Keizer. (12/20)

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)

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

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

Critical Facility [Flood]: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (12/20)

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 resource. (9/18)

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 man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (12/20)

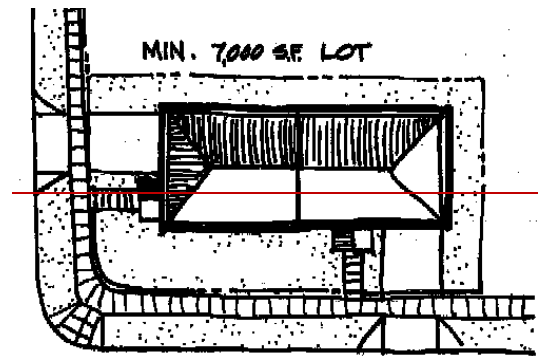
Dormitory: A building, under single management, where group sleeping accommodations are provided for in one room or in a series of closely associated rooms and where meals may be provided. (5/98)

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)

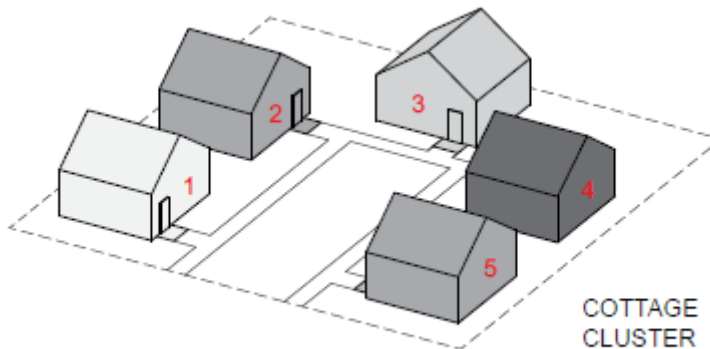
Drop Station: Vehicles or structures of less than a total of 400 square feet maintained on a lot solely to provide shelter for no more than four types of recyclable material (such as paper, tin cans, plastic and bottles) deposited by members of the public and collected at regular intervals for further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

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

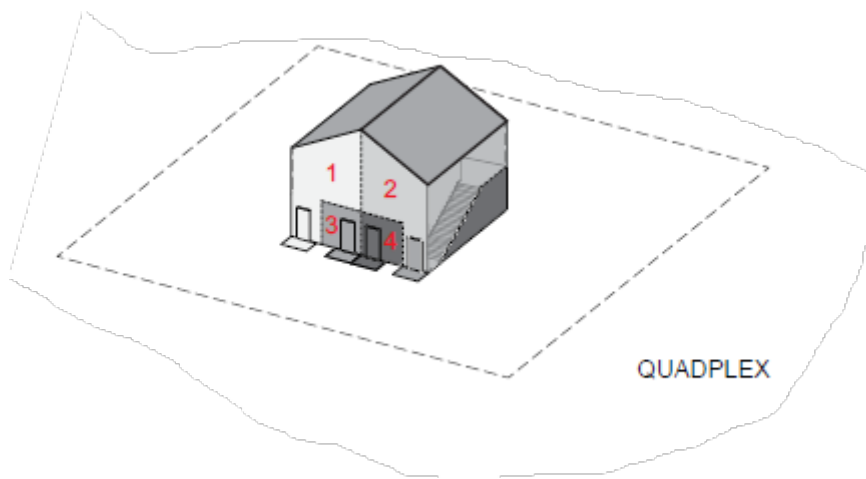
Dwelling, Cottage Cluster: A grouping of no less than four detached buildings per acre designed exclusively for the occupancy of separate households living independently of each other in each detached building, or "cottage". Each building shall have a footprint of less than 900 square feet, and the buildings must be oriented around a common courtyard.



Duplex



Dwelling, Four-Household (Quadplex): A building containing 4 dwelling units designed exclusively for occupancy by 4 households living independently of each other.

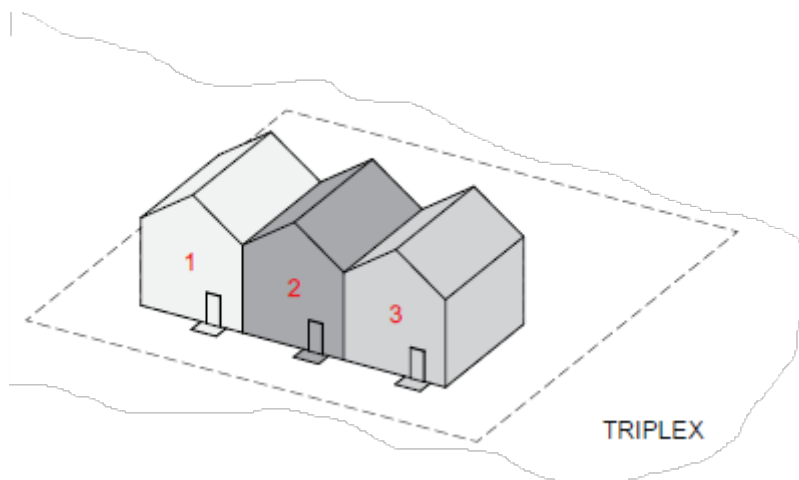


Dwelling Unit: One or more rooms designed for occupancy by one family household providing complete, independent living facilities, including permanent provisions for living, sleeping, eating cooking, and sanitation. ~~And not having more than one cooking facility.~~ (5/98)

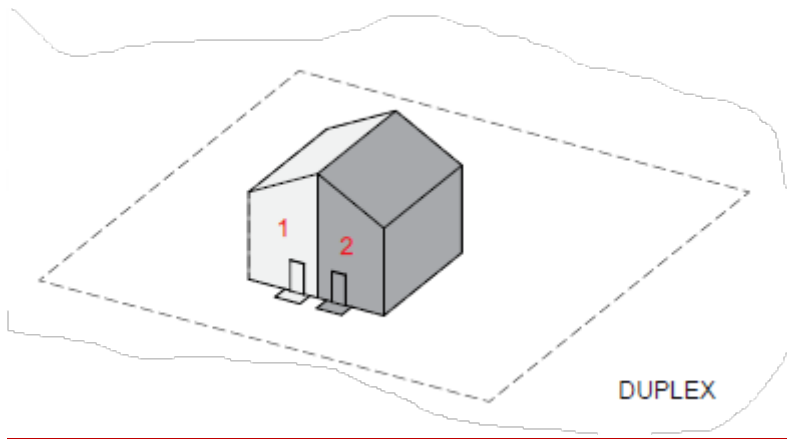
Dwelling, Multi-Household (Multi-Family): A building ~~on a single parcel or lot~~ containing ~~3~~ 5 or more dwelling units designed for occupancy by ~~3~~ 5 or more households families living independently of each other. (5/98)

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

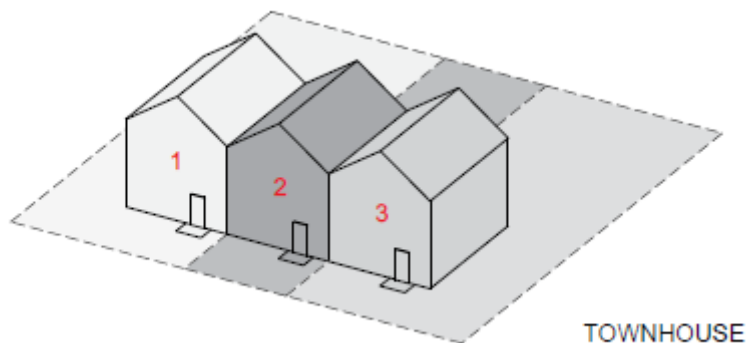
Dwelling, Three-Household (Triplex): A building on a single parcel or lot containing 3 dwelling units designed exclusively for occupancy by 3 households living independently of each other.



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



Dwelling, Townhouse: ~~A building on a single parcel or lot containing 1 dwelling unit designed exclusively for occupancy by 1 household that is part of a row of two or more attached dwellings and shares at least one common wall with an adjacent dwelling. A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel.~~ (5/98)

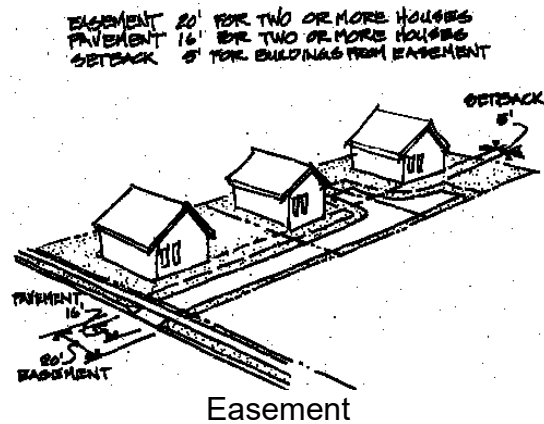


Dwelling, Middle Housing: Refers to housing types required under House Bill 2001 (2019) and associated Administrative Rules. These housing types include duplexes, triplexes, quadplexes, townhouses, and cottage clusters.

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)



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)

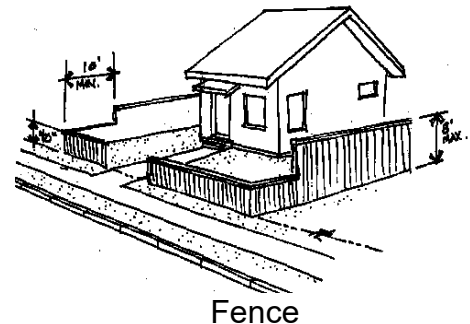
Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider. (5/98)

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, which ever 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) A general and temporary condition of partial or complete inundation of normally dry land areas from: (12/20)
 - (1) The overflow of inland or tidal waters. (12/20)
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source. (12/20)
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (12/20)
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition. (12/20)

Flood Insurance Rate Map (FIRM) [Flood]: The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). (12/20)

Flood Insurance Study (FIS) [Flood]: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. (12/20)

Floodplain Management [Flood]: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations. (12/20)

Floodproofing [Flood]: A combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (12/20)

Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway." (12/20)

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

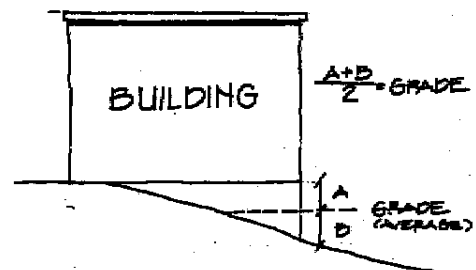
Frontage: That portion of a lot or parcel which abuts a public street. (5/98)

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

Functionally Dependent Use [Flood]: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities. (12/20)

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

Group Living: Characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group typically is

larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational and laundry. Group Living is differentiated into two subcategories based on whether residents receive personal care, training and/or treatment.

- a. Room and board facilities where no personal care, training and/or treatment is provided include examples such as dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.
- b. Long-term facilities where some level of care is provided includes examples such as hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

Exceptions include: (1) Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters. (2) Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category. (12/19)

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)

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)

Highest Adjacent Grade [Flood]: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (12/20)

Historic Structure: Any structure that is: (9/18)

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (9/18)
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (9/18)

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (9/18)
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (9/18)
 - a. By an approved state program as determined by the Secretary of the Interior or (9/18)
 - b. Directly by the Secretary of the Interior in states without approved programs. (9/18)

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)

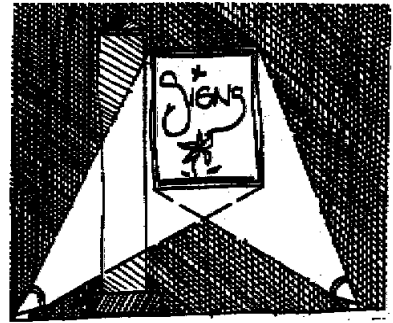
Household Living: Characterized by the occupancy of a residential dwelling unit by a household. Tenancy is arranged on a month-to-month basis or for a longer period. Uses where tenancy may be arranged for a shorter period (i.e., less than one month) are not considered residential; they are considered to be a form of transient lodging (Retail Sales And Service and Community Service use categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living, as are Single Room Occupancy housing (SROs) when at least two thirds of the units are rented on a monthly basis and meals are prepared by the residents.

Examples include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, other structures with self-contained dwelling units, and SROs depending on the number of units rented on a monthly basis and meal preparation.

Exceptions include: (1) Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales And Service category. (2) SROs that contain programs which include common dining are classified as Group Living. (3) Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses. (4) In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter. (12/19)

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)

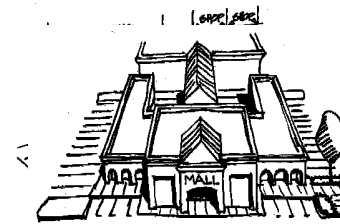
Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



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)

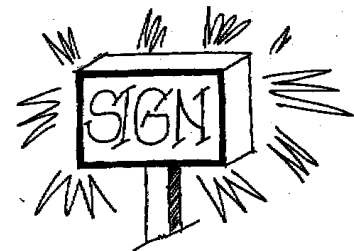
Integrated Business Center [Sign]: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)



Integrated Business Center - Large
Integrated Business Center - Small

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)



Internal Illumination

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



Joint Use Sign

fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply:

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)

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)

Kenel: 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)

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)

Letter of Map Change (LOMC) [Flood]: Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs: (12/20)

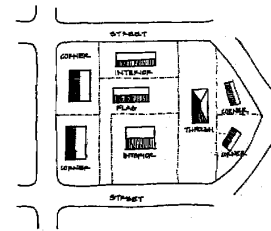
1. **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood. (12/20)
2. **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. (12/20)
3. **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway. (12/20)
4. **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area. (12/20)
5. **Letter of Map Revision (LOMR):** A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report. (12/20)
6. **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. (12/20)
7. **PMR:** A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. (12/20)

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 Types

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 Coverage: Area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area shall not be included in calculating lot coverage. (12/19)

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 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)

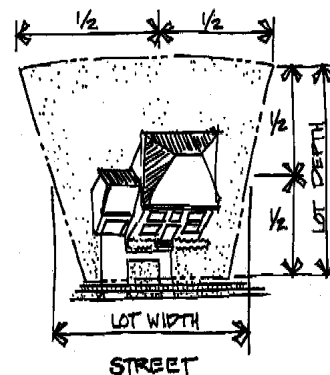
Lot Line, Side: Any property line which is not a front or rear lot line. (5/98)

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)



Lot Width and Depth

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 on a resource site, except for the repair or maintenance of existing public improvements. (9/18)

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 Dwelling [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.

The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home". (12/20)

Manufactured Dwelling Park or Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale. (12/20)

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)

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)

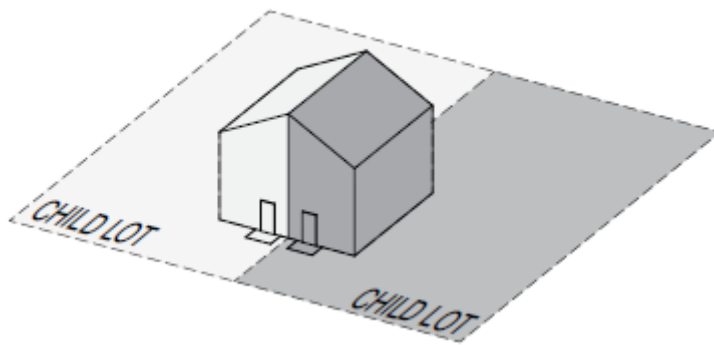
Mean sea level [Flood]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (5/98)

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)

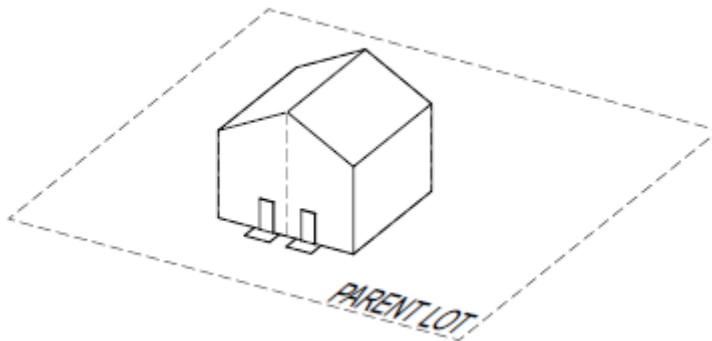
Message Sign [Sign]: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature. (5/98)

Middle Housing Child Lot: A unit of land created from the division of a middle housing parent lot through a middle housing land division for the purpose of having a single dwelling unit per newly created lot or parcel.



Middle Housing Land Division: A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under state law and the partition or subdivision is processed in accordance with the provisions of ORS Chapter 92 and KDC 3.202. The lot or parcel that is the subject of the land division is referred to as the middle housing parent lot; a lot created by the division is referred to as a middle housing child lot.

Middle Housing Parent Lot: A lot or parcel that is developed, or proposed to be developed, with middle housing, and which may therefore be further divided through a middle housing land division to create middle housing child lots.



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)

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 **five** 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)

Natural Register Resource: Buildings, structures, object, 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). (9/18)

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 effective date of a floodplain management regulation adopted by the City of Keizer and includes any subsequent improvements to such structures. (12/20)

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)

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)

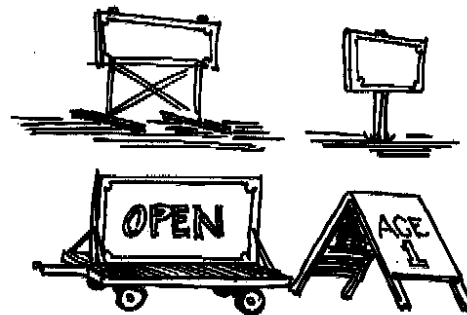
Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan. (5/98)

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)



Projecting Sign

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 vehicle which is:

1. Built on a single chassis; (12/20)
2. 400 square feet or less when measured at the largest horizontal projection; (12/20)
3. Designed to be self-propelled or permanently towable by a light duty truck; and (12/20)
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (12/20)

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)

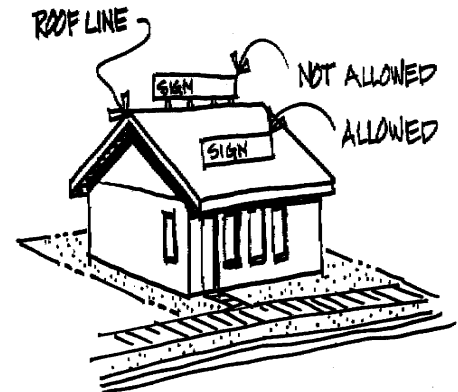
Resource [Historical]: A site, object, building, or structure designated by the Council under Section 2.127.04. (9/18)

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)

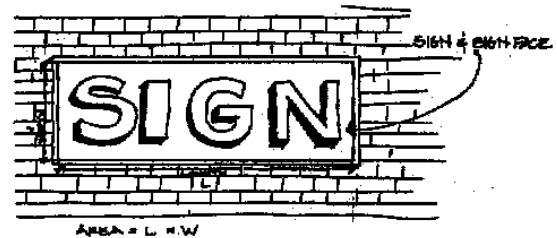
Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure. (5/98)

Shallow Flooding Area [Flood]: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (12/20)

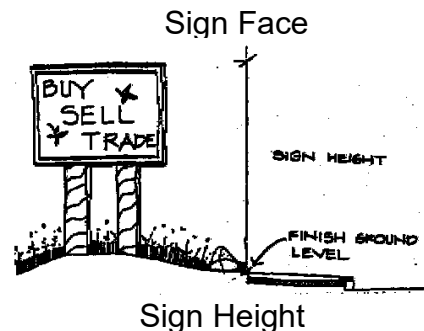
Side Lot Line: See "Lot Line, Side." (5/98)

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]: 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)

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 Flood Hazard Area [Flood]: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard". (12/20)

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)

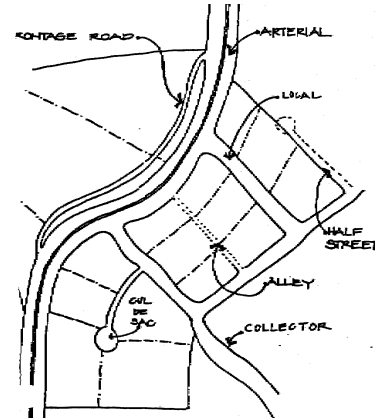
Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement. (5/98)

Start of Construction [Flood]: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. 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 part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (12/20)

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)



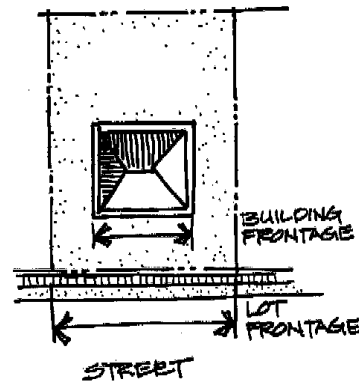
Street Types

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 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)



Street & Building Frontage

Structure [Flood]: A walled and roofed building, including a gas or liquid storage tank, that are principally above ground, as well as a manufactured dwelling. (12/20)

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 Damage [Flood]: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (12/20)

Substantial Improvement [Flood]: Any reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which has incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure 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 (12/20)

2. Any alteration of a “historic structure”, provided, the alteration will not preclude the structure's continued designation as a “historic structure”. (12/20)

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)

Variance [Flood]: A grant of relief by The City of Keizer from the terms of a flood plain management regulation. (12/20)

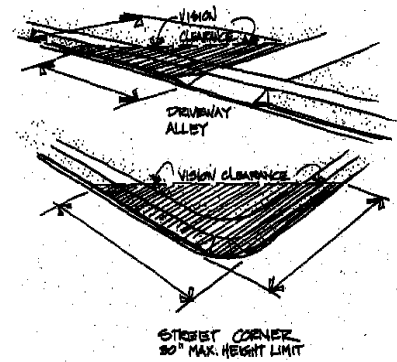
Vegetative Fringe [Greenway]: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

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)

Violation [Flood]: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided. (12/20)

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)

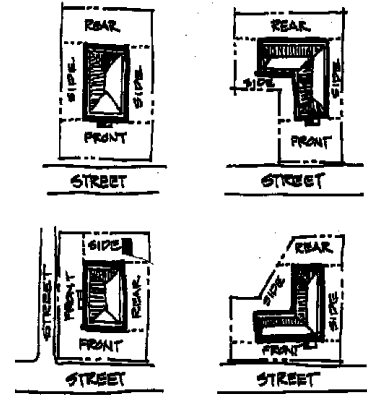
Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or 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)

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; but no structures may encroach on any easement. (12/19)



Yards

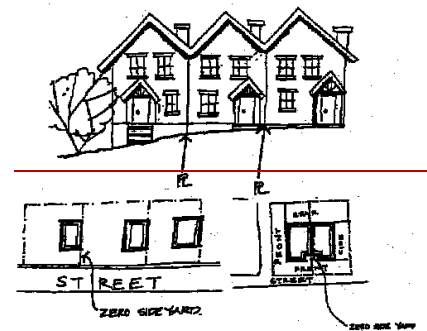
Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building; but no structures may encroach on any easement. (12/19)

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; but no structures may encroach on any easement. (12/19)

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

2.102 SINGLE FAMILY RESIDENTIAL (RS)

2.102.01 Purpose

The purpose of the RS (Single Family Residential) zone is to allow development of single family and middle housing type homes on individual lots provided with urban services at low urban densities. This zone also allows duplexes, triplexes, quadplexes, townhouses, and cottage cluster housing. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan. (5/98)

2.102.02 Permitted Uses

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

- A. **Detached single family dwelling** ~~on a lot~~. (5/98)
- B. **Duplexes, triplexes, quadplexes, and townhouses.**
- C. **Residential homes.** (5/98)
- D. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- E. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- F. **Child foster home** for five or fewer children. (6/99)

2.102.03 Special Permitted Uses

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

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

~~1. **Duplex on a corner lot (Section 2.403).** (5/98)~~

1. **Shared housing Facilities (Section 2.403).** (5/98)

~~2. **Zero side yard dwelling units (Section 2.404).** (5/98)~~

2. **Cottage Cluster Development (Section 2.432)**

3. **Home occupations (Section 2.407).** (5/98)

4. **Residential sales offices (Section 2.409).** (5/98)

5. **Public golf course (7992) or membership recreation club having golf course (7997) (Section 2.410).** (5/98)

6. **House of Worship (Section 2.423).** (5/98)

7. **Manufactured homes on individual lots (Section 2.402).** (5/98)

8. **Recreational vehicle storage space (Section 2.413).** (5/98)

9. **Electrical substation (Section 2.426)** (5/98)

10. **Wireless Telecommunication Facilities (Section 2.427)** (5/98)

11. **Manufactured home parks (Section 2.405).** (5/98)

12. **Public Water Supply (Section 2.430)** (06/10)

2.102.04 Conditional Uses

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

A. **Elementary schools (Section 2.424).** (5/98)

B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreation facilities; and other public or semi-public uses. (5/98)

C. **Civic, social and fraternal organizations (864).** (5/98)

D. **Day care facility** for 17 or more children consistent with state regulations. (4/16)

E. **Bed and breakfast establishment (Section 2.408).** (5/98)

F. **Use of a mobile home as a temporary hardship dwelling (Section 2.406)** (5/98)

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

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

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

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

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

2.102.05 Dimensional Standards

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

A. Minimum Lot Dimension and Height Requirements

DIMENSION	<u>Residential Uses-Single family detached and duplex</u>	<u>Triplex</u>	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Non-Residential Uses
Lot Size	4000 square feet ~~(4)~~	<u>5000 square feet</u>	<u>7000 square feet</u>	<u>1500 square feet</u>	~~(2)~~ (1)
Average Width	40 feet	<u>40 feet</u>	<u>40 feet</u>	<u>20 feet (3)</u>	None
Average Depth	70 feet	<u>70 feet</u>	<u>70 feet</u>	<u>70 feet</u>	None
Maximum Height	35 feet	<u>35 feet</u>	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	~~(32)~~

~~(1) Zero side yard dwelling units are subject to the setback provisions in Section 2.404 (11/21).~~

(1) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)

(2) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)

(3) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

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

- (1) ~~*Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404.*~~ (5/98)
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story building home; 20 feet for a 2-story building home. The rear yard setback for cottage clusters shall be 10 feet.* (5/98)
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)
- (5) *The minimum front setback from an access easement shall be ten (10) feet.* (10/15)

- C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.102.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)

- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RS zone shall comply with the following standards: (5/98)
1. Single family ~~detached dwellings homes~~, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with ~~five~~ four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** When RS zoned property is subdivided the minimum density shall be 4 units per acre; the maximum density shall be 8 units per acre for single family detached or 25 units per acre for townhouses. The maximum density does not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/16)
- ~~J. **Number of Buildings.** No more than one primary building shall be located on a lot or parcel. (5/98)~~
- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.103 LIMITED DENSITY RESIDENTIAL (RL)

2.103.01 Purpose

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

2.103.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Duplexes, triplexes, quadplexes, and townhouses.**
- D. **~~Buildings with two or more dwelling units~~ Multi-family dwellings**. (5/98)
- E. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- F. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- G. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

2.103.03 Special Permitted Uses

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

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

E. The following special uses subject to the applicable standards in Section 2.4:

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

2.103.04 Conditional Uses

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)

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

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

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

2.103.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>Detached and Duplex</u>	<u>Triplex Duplex</u>	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Multi-Family	Non-Residential
Lot Size	4000 sq. ft. ~~(1)~~ (2)	~~7000~~ <u>5000</u> sq. ft.	<u>7000 sq. ft.</u>	<u>1500 sq. ft.</u>	10000 sq. ft. (1)	(2)
Average Width	40 feet	~~50~~ <u>40</u> feet	<u>40 feet</u>	<u>20 feet (4)</u>	50 feet	None
Average Depth	70 feet	~~80~~ <u>70</u> feet	<u>70 feet</u>	<u>70 feet</u>	80 feet	None
Maximum Height	35 feet	35 feet	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	35 feet	~~(23)~~

~~(1) Zero side yard dwelling units are subject to the setback provisions in Section 2.404.~~ ^(11/24)

~~(2) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet.~~ ^(5/98)

(1) Multi-family development must comply with the density standard in Section 2.103.06.I. ^(5/98)

(2) Parcel size shall be adequate to contain all structures within the required yard setbacks. ^(5/98)

(3) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. ^(5/98)

(4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

SETBACKS	Single Family, <u>Duplex,</u> <u>triplex,</u> <u>quadplex,</u> <u>cottage</u> <u>cluster (6)</u>	~~Duplex~~	Multi-Family	Non-Residential
Front	10 feet (5)	~~10 feet (5)~~	10 feet	20 feet
Side	5 feet (1)	~~5 feet~~	10 feet	10 feet
Rear	(2)	~~(2)~~	(2)	20 feet
Street-side (3)	10 feet	~~10 feet~~	10 feet	20 feet
Garage entrance (4)	20 feet (4)	~~20 feet (4)~~	20 feet (4)	20 feet (4)

- (1) ~~Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404.~~ (5/98)
- (2) ~~The rear yard setback shall be as follows: 14 feet for a 1-story ~~for a single family home, duplex, or multi-family~~ building; 20 feet for a 2-story ~~single family home, duplex, or multi-family~~ building. The rear yard setback for cottage clusters shall be 10 feet. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to property lines.~~ (6/07)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (5) The minimum front setback from an access easement shall be ten (10) feet. (10/15)

2.103.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RL zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings, homes, duplexes, triplexes, quadplexes, cottage clusters, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with ~~four~~ five or more attached dwelling units, ~~including Cottage Cluster Development~~, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75% Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RL zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and 25 units per acre for townhouses. (5/98)

2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. (5/98)
3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters.

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.01 Purpose

The RM (MEDIUM DENSITY RESIDENTIAL) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas. (5/98)

2.104.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Duplexes, triplexes, quadplexes, and townhouses.**
- C. **Residential homes and facilities.** (5/98)
- D. **~~Buildings with two or more dwelling units~~ Multi-family dwellings.** (5/98)
- E. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- F. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- G. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

2.104.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. **Transit Facilities** (Section 2.305). (5/09)

- F. The following special uses subject to the applicable standards in Section 2.4:
1. **Shared housing facilities** (Section 2.403). (5/98)
 - ~~2. **Zero side yard dwelling units** (Section 2.404). (5/98)~~
 2. **Cottage Cluster Development** ~~without the creation of any new lot~~ (Section 2.432) (6/14)
 3. **Home occupations** (Section 2.407). (5/98)
 4. **Bed and breakfast** establishments (Section 2.408). (5/98)
 5. **Residential sales offices** (Section 2.409). (5/98)
 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 7. **House of Worship** (Section 2.423). (5/98)
 8. **Boat and RV storage area** (Section 2.411). (5/98)
 9. **Manufactured home parks** (Section 2.405). (5/98)
 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 11. **Accessory commercial uses** (Section 2.416). (5/98)
 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
 13. **Electrical substation** (Section 2.426). (5/98)
 14. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

2.104.04 Conditional Uses

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)

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

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

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

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

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

I. **Residential Care Facilities for more than 15 residents or uses noted in SIC 805 (Nursing and Personal Care Facilities) (Section 2.431)** (6/11)

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

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>Detached and Duplex</u>	<u>Duplex</u> <u>Triplex</u>	<u>Quadplex</u> <u>& cottage cluster</u>	<u>Townhouse</u>	Multi-Family	Non-Residential
Lot Size	4,000 sq. ft.	~~6,000~~ <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	<u>1,500 sq. ft.</u>	9,000 sq. ft. (1)	(2)
Average Width	40 feet	~~40~~ <u>50</u> feet	<u>40 feet</u>	<u>20 feet (4)</u>	50 feet	None
Average Depth	70 feet	~~70~~ <u>80</u> feet	<u>70 feet</u>	<u>70 feet</u>	80 feet	None
Maximum Height	35 feet	35 feet	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	~~35~~ <u>45</u> feet	(3)

~~(1) — zero side yard dwelling units are subject to the standards in Section 2.404 (11/21)~~

~~(2) — A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)~~

(1) Multi-family development must comply with the density standard in Section 2.104.06.I. (5/98)

(2) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)

(3) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)

(4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

SETBACKS	Single Family, <u>Duplex,</u> <u>Triplex,</u> <u>Quadplex,</u> <u>Cottage</u> <u>Cluster, and</u> <u>Townhouse</u>	~~Duplex (6)~~	Multi-Family	Non- Residential
Front	10 feet (5)	~~10 feet (5)~~	10 feet	20 feet
Side	5 feet (1)	~~5 feet~~	10 feet	10 feet
Rear	(2)	~~(2)~~	(2)	20 feet
Street-side (3)	10 feet	~~10 feet~~	10 feet	20 feet
Garage entrance (4)	20 feet (4)	~~20 feet (4)~~	20 feet (4)	20 feet (4)

- (1) ~~Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404.~~ (5/98)
- (2) ~~The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. The rear yard setback for cottage clusters shall be 10 feet. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines.~~ (06/07)
- (3) ~~Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (4) ~~The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.~~ (5/98)
- (5) ~~The minimum front setback from an access easement shall be ten (10) feet.~~ (10/15)

C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.104.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings, homes duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 - 2. ~~Residential Structures with four or more attached dwellings units,~~ Multi-family units, ~~including Cottage Cluster Development,~~ and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and multi-family, and 25 units per acre for townhouses. (5/98)

2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre for single family detached and 25 units per acre for townhouses. (5/98)
 3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters.
- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.105 HIGH DENSITY RESIDENTIAL (RH)

2.105.01 Purpose

The RH (HIGH DENSITY RESIDENTIAL) zone is specifically intended for multiple family dwellings on a parcel at high residential densities. Other uses compatible with residential development are also appropriate. RH zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan and will generally have direct access to a collector or arterial street. RH zoned land is also suited to locations adjacent to commercial or industrial uses and is generally buffered from, or not located adjacent to, single-family residential areas. (5/98)

2.105.02 Permitted Uses

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

- A. **Any combination of dwellings**, attached or detached. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home for five or fewer children**. (6/99)

2.105.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:

~~1. **Zero side yard dwelling units** (Section 2.404). (5/98)~~

1. **Cottage Cluster Development** ~~without the creation of any new lots~~ (Section 2.432). (6/14)
2. **Home occupations** (Section 2.407). (5/98)
3. **Bed and breakfast** establishments (Section 2.408). (5/98)
4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **Boat and RV storage** area (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
9. **Accessory commercial uses** (Section 2.416). (5/98)
10. **Recreational vehicle storage** space (Section 2.413). (5/98)
11. **Electrical substation** (Section 2.426). (5/98)
12. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

2.105.04 Conditional Uses

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, providing such home:
 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;

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

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

~~H. Cottage Cluster Development with the creation of new lots (Section 2.432).^(6/14)~~

2.105.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential (<u>Except quadplex, cottage clusters, and townhouse</u>)	<u>Quadplex, Cottage Clusters</u>	<u>Townhouse</u>	Non-Residential
Lot Size	6,000 sq. ft. (1)	<u>7,000 sq. ft.</u>	<u>1,500 sq. ft.</u>	(2)
Average Width	50 feet	<u>50 feet</u>	<u>20 feet</u> (45)	None
Average Depth	80 feet	<u>80 feet</u>	<u>80 feet</u>	None
Maximum Height	(3)	<u>(3)</u>	<u>(3)</u>	(3)

(1) Multi-family development must comply with the density standard in Section 2.105.06.I. (06/07)

(2) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)

(3) No limit except for cottage cluster (25 feet) - Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (5/98)

(4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

SETBACKS	Residential	Non-Residential
Front	10 feet	20 feet
Side	10 feet (1)	10 feet
Rear	(42)	20 feet
Street-side (23)	10 feet	20 feet
Garage entrance (34)	20 feet (34)	20 feet (34)

(1) Townhouses may have zero-side yard setbacks for interior lot lines

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

2.105.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)

- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RH zone shall comply with the following standards: (5/98)
1. Single family detached dwellings, homes duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with four five or more attached dwelling units, including cottage cluster development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** The minimum development density shall be 16 units per acre; there shall be no maximum density. (5/98)

2.107 MIXED USE (MU)

2.107.01 Purpose

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

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

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

2.107.02 Permitted Uses

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

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)

- F. **Public or private utility substation**, but excluding electrical substation. (5/98)
- G. **Landscape counseling and planning (078)**. (5/98)
- H. **Transportation, Utilities and Communication**. (5/98)

- 1. **Travel agency (4722)**. (5/98)
- 2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)
- 3. **Public utility** structures and buildings. (5/98)
- 4. Transit Facilities (Section 2.305). (5/09)

I. **Retail Trade:**

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

- 1. **General merchandise stores (53)**. (4/08)
- 2. **Food stores (54)**. (4/08)
- 3. **Apparel and accessory stores (56)**. (4/08)
- 4. **Home furnishing, appliance and equipment stores (57)**. (4/08)
- 5. **Eating and drinking places (58)**. (4/08)
- 6. **Retail, (59) BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (4/08)
- 7. Uses listed in 2.107.02.I. through 7 if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (10/15)

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

- 1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67)**. (5/98)
- 2. **Hotels, motels and lodging facilities (701)**. (5/98)
- 3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial laundries (7218). (5/98)

4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
5. **Watch, clock and jewelry repair (763).** (5/98)
6. **Recreational or athletic clubs.** (5/98)
7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
8. **Legal services (81).** (5/98)
9. **Miscellaneous services (89).** (5/98)
10. **Community or neighborhood clubs.** (5/98)
11. **Parking lots.** (5/98)
12. **Pet Grooming** (6/01)
13. **Veterinary Services (Section 2.414)** (6/15)

K. **Public administration (91 - 97).** (5/98)

2.107.03 Special Permitted Uses

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

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

5. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
6. **Boat and RV storage** area (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Recreational vehicle storage** space (Section 2.413). (5/98)
9. **Electrical substations** (Section 2.426). (5/98)
10. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
11. **Cottage Cluster Development** ~~without the creation of any new lots~~ (Section 2.432). (6/14)
12. **Mobile Food Vendor** (Section 2.434). (7/17)

2.107.04 Conditional Uses

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

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

2.107.05 Use Restrictions

- A. The following uses are not permitted: (4/08)
 1. Farm Use. (5/98)
 2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
 3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (4/08)
 4. Camping or over-night in parking lots. (4/08)
 5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)
- B. Retail uses as set forth in Section 2.107.02(I) are limited to buildings not exceeding 10,000square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (4/08)

1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (4/08)
 2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (4/08)
 3. In addition to the requirements in Section 2.315.06, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (10/15)
 4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (4/08)
 5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (4/08)
 6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (4/08)
 7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (4/08)
 8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (4/08)
- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (4/08)

D. Larger Format Stores.

1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (4/08)
2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (4/08)
3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (4/08)

E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (10/18)

F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan or Master Plan Amendment requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (10/18)

G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (4/08)

1. Pedestrian Access, Safety and Comfort (4/08)
 - a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (4/08)
 - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (4/08)

- c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (4/08)
 - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (4/08)
 - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (4/08)
 - f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)
2. Vehicular Movement (4/08)
- a. Encourage traffic to enter and exit the development at locations in a safe manner. (4/08)
3. Crime Prevention and Security (4/08)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (4/08)

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (4/08)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (4/08)

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (4/08)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (4/08)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

4. Reduced Parking (4/08)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (4/08)

5. Creating and Protecting Public Spaces (4/08)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (4/08)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (4/08)

6. Human Scaled Building Design (4/08)

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (4/08)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

In addition, the provisions within Section 3.113 apply. (10/18)

- H. Proposals to develop properties in RCOD are subject to use regulations in Section 2.130. (12/19)

2.107.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>and Duplex</u>	<u>Triplex</u>	<u>Duplex</u> Multi-Family	<u>Quadplex</u> <u>and</u> <u>Cottage</u> <u>Clusters</u>	<u>Townhouse</u>	Commercial <u>and Mixed</u> <u>Use</u>
Lot Size	4,000 sq. ft. (1)	<u>5,000</u> <u>sq. ft.</u> (1)	6,000 sq. ft. (1) (2)	<u>7,000 sq.</u> <u>ft.</u>	<u>1,500 sq. ft.</u>	None (23)
Average Width	40 feet	<u>40 feet</u>	<u>40</u> 50 feet	<u>40 feet</u>	<u>20 feet (4)</u>	None
Average Depth	70 feet	<u>70 feet</u>	<u>70</u> 80 feet	<u>70 feet</u>	<u>70 feet</u>	None
Maximum Height	35 feet	<u>35 feet</u>	50 feet	<u>35 feet</u> <u>Cottages:</u> <u>25 feet</u>	<u>35 feet</u>	50 feet (3)

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

(1) Multi-family development must comply with the density standard in Section 2.107.07.1 (06/07)

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

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

(4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements (12/19)

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

- (1) ~~Townhouses may have zero-side yard setbacks for interior lot. Zero-side yard dwelling units are subject to the setback provisions in Section 2.404.~~ (5/98)
- (2) ~~The rear yard setback shall be as follows: 14 feet for a 1-story single-family home, duplex or multi-family building; 20 feet for a 2-story single-family home, duplex, or multi-family building. The rear yard setback for cottage clusters shall be 10 feet. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines.~~ (06/07)
- (3) ~~The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone.~~ (5/98)
- (4) ~~Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (5) ~~The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.~~ (5/98)
- (6) ~~The minimum front setback from an access easement shall be ten (10) feet.~~ (10/15)

- C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.107.07 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
1. Single family ~~homes detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster developments~~ shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with ~~four~~ five or more attached dwelling units ~~including Cottage Cluster Developments~~, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)
- | | |
|---|-----|
| Commercial development: | 15% |
| Mixed commercial and residential development: | 20% |
| Residential development: | 25% |

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

Commercial development:	85%
Mixed commercial and residential development:	80%
Residential development <u>(Except Cottage Clusters):</u>	75%

- I. **Density:**

1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units per acre for single family detached and 25 units per acre for townhouses, except there shall be no maximum density for duplexes, triplexes, quadplexes, and cottage clusters, and there shall be no minimum residential density requirement for multi-family development within a mixed use building. (12/03)

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

- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.108 COMMERCIAL OFFICE (CO)

2.108.01 Purpose

The purpose of the CO (Commercial Office) zone is to provide areas suitable for professional and general commercial offices, membership organizations, similar low intensity, non-retail commercial activities and medium and high density residential accommodations. The Commercial Office zone is appropriate in those areas designated Commercial in the Comprehensive Plan where the location calls for limited traffic generation, and no increase in traffic except during normal business hours; or, commercial uses with low-intensity activity. (5/98)

2.108.02 Permitted Uses

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

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot except as provided in (44) (b). (5/98)
- B. **Rooming and boarding houses** (SIC 702). (5/98)
- C. **Organization hotels and lodging houses** on membership basis (SIC 704). (5/98)
- D. **Landscape counseling and planning** (SIC 0781). (5/98)
- E. **Travel agency** (SIC 4722). (5/98)
- F. **Telephone/telegraph communication and radio and television broadcasting** (SIC 481, 482, 483). (5/98)
- G. **Water supply** (SIC 494). (5/98)
- H. **News dealers and newsstands** (SIC 5994). (5/98)
- I. **Finance, insurance and real estate** (SIC 60, 61, 62, 63, 64, 65, 66, 67). (5/98)
- J. **Beauty and barber shops** (SIC 723, 724). (5/98)
- K. **Consumer-credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies** (SIC 732). (5/98)
- L. **Direct mail advertising services** (SIC 7331). (5/98)
- M. **Stenographic services** and reproduction services, not elsewhere classified (SIC 7339). (5/98)
- O. **News syndicates** (SIC 735). (5/98)
- P. **Personnel supply services** (SIC 736). (5/98)

- Q. **Computer and data processing services** (SIC 737). (5/98)
- R. **Management, consulting and public relations** (SIC 7392). (5/98)
- S. **Detective agencies** and protective services (SIC 7393). (5/98)
- T. **Commercial testing laboratories** (SIC 7397). (5/98)
- U. **Parking lots** (SIC 7523). (5/98)
- V. **Health services** (SIC 80) except hospitals (SIC 806) and nursing and personal care facilities (SIC 805). (5/98)
- W. **Legal services** (SIC 81). (5/98)
- X. **Correspondence schools and vocational schools** (SIC 824). (5/98)
- Z. **Schools** and educational services, not elsewhere classified (SIC 829). (5/98)
- AA. **Individual and family services** (SIC 832). (5/98)
- BB. **Social services**, not elsewhere classified (SIC 839). (5/98)
- CC. **Membership organizations** (SIC 86). (5/98)
- DD. **Miscellaneous services** (SIC 89). (5/98)
- EE. **Executive offices** (SIC 911). (5/98)
- FF. **Executive and legislative** combined (SIC 913). (5/98)
- GG. **Finance, taxation, and monetary policy** (SIC 93). (5/98)
- HH. **Administration of human resources** programs (SIC 94). (5/98)
- II. **Administration of environmental quality and housing** programs (SIC 95). (5/98)
- JJ. **Administration of economic** programs (SIC 96). (5/98)
- KK. **National security and international affairs** (SIC 97). (5/98)
- LL. **Community or neighborhood clubs**. (5/98)
- MM. **Swimming pools** open to the public free or for a fee. (5/98)
- NN. **Public parks, playgrounds, and other public and semi-public uses**. (5/98)
- OO. **Public utility structures** and buildings. (5/98)

- PP. **Residential home care** for 5 or fewer persons and adult residential home care. (5/98)
- QQ. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- RR. **Child foster home**. (5/98)
- SS. **Elementary and secondary schools** (SIC 8211). (5/98)
- TT. **Transit Facilities** (Section 2.305). (5/09)

2.108.03 Special Permitted Uses

The following special uses subject to the applicable standards in Section 2.4:

- A. **Funeral service** and crematories (SIC 726). (5/98)
- ~~B. **Zero side yard dwellings**. (5/98)~~
- ~~G.B.~~ **Home occupations**. (5/98)
- ~~D.C.~~ **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- ~~E.D.~~ **Domiciliary Care Facility** (SIC 836). (5/98)
- ~~F.E.~~ **Bed and breakfast establishments**. (5/98)
- ~~G.F.~~ **Veterinary services** (SIC 074). (5/98)
- ~~H.G.~~ **Mixed-use buildings**. (5/98)
- ~~I.H.~~ **House of Worship**. (5/98)
- ~~J.I.~~ **Wireless Telecommunications Facilities** (Section 2.421) (5/98)
- ~~K.J.~~ **Medical Marijuana Facilities** (Section 2.433). (10/14)
- ~~L.K.~~ **Marijuana Retailer** (Section 2.433). (1/16)
- ~~M.L.~~ **Mobile Food Vendors** (Section 2.434). (5/19)

2.108.04 Conditional Uses

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

- A. **Transit Station** (Section 2.429). (05/09)

2.108.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

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

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.107.07. (5/98)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.108.05. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	<u>Triplex,</u> <u>Quadplex</u> or Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet ~~(1)~~	~~(32)~~	~~(32)~~	~~(32)~~
Rear	~~(21)~~	~~(32)~~	~~(32)~~	~~(32)~~
Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet ~~(54)~~	20 feet ~~(54)~~	20 feet ~~(54)~~	20 feet ~~(54)~~

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

- ~~(21)~~ *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- ~~(32)~~ *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. (5/98)*
- ~~(43)~~ *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- ~~(54)~~ *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.108.06 Development Standards

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

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. Parking must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50 percent of the street frontage. (5/98)
3. No off-street parking is required for uses above the ground floor. (5/98)
4. The off-street parking requirement for residential uses is one space per unit. (5/98)
5. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.) (5/98)

- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)
- | | |
|---|-----|
| Commercial development: | 10% |
| Mixed commercial and residential development: | 15% |
| Residential development: | 20% |
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)
- | | <u>Max.</u> | <u>Min</u> |
|---|-------------|------------|
| Commercial development: | 90% | 50% |
| Mixed commercial and residential development: | 85% | 50% |
| Residential development: | 80% | 50% |
- J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)
1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)

2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

2.108.07 Design Standards

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

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

2.110 COMMERCIAL MIXED USE (CM)

2.110.01 Purpose

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

2.110.02 Permitted Uses

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

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- E. **Landscape** counseling and planning (0781). (5/98)
- F. **Offices** for any use listed in SIC Division C - Construction. (5/98)
- G. **Commercial printing** (275). (5/98)
- H. **Transportation, Communication and Utilities.** (5/98)
 - 1. **Public utility** structures and buildings. (5/98)
 - 2. **Post office** (43). (5/98)
 - 3. **Travel agency** (4722). (5/98)
 - 4. **Communications** (48). (5/98)

I. Retail Trade. (5/98)

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

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

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

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

2.110.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203. (5/98)
- E. **Transit Facilities** (Section 2.305). (5/09)

F The following **special uses** subject to the applicable standards in Section 2.4:

1. **Shared housing facilities** (Section 2.403). (5/98)
- ~~2. **Zero side yard dwelling units** (Section 2.404). (5/98)~~
- ~~3.2.~~ **Home occupations** (Section 2.407). (5/98)
- ~~4.3.~~ **Bed and breakfast establishments** (Section 2.408). (5/98)
- ~~5.4.~~ **Residential sales offices** (Section 2.409). (5/98)
- ~~6.5.~~ **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
- ~~7.6.~~ **Boat and RV storage area** (Section 2.411) except as provided in Section 2.110.05, below. (5/98)
- ~~8.7.~~ **House of Worship** (Section 2.423). (5/98)
- ~~9.8.~~ **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.110.05, below. (5/98)
- ~~10.9.~~ **Veterinary services** (074) (Section 2.414). (5/98)
- ~~11.10.~~ **Funeral service and crematories** (726) (Section 2.415). (5/98)
- ~~12.11.~~ **Used Merchandise Store** (Section 2.417)
- ~~13.12.~~ **Adult entertainment business** (Section 2.418). (5/98)
- ~~14.13.~~ **Service stations** (554) (Section 2.419) except as provided in Section 2.110.05, below. (5/98)
- ~~15.14.~~ **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.110.05, below. (5/98)
- ~~16.15.~~ **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.05, below. (5/98)
- ~~17.16.~~ **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
- ~~18.17.~~ **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
- ~~19.18.~~ **Medical Marijuana Facilities** (Section 2.433) (10/14)
- ~~20.19.~~ **Marijuana Retailer** (Section 2.433) (1/16)
- ~~21.20.~~ **Mobile Food Vendor** (Section 2.434) (9/16)

2.110.04 Conditional Uses

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. **Transit Station** (Section 2.429). (5/09)
- C. **Gasoline service stations** (554) located in the Chemawa/River Rd restriction area described in Section 2.110.05.C. subject to the following requirements (9/17):
 - 1. May only sell fuel related products such as gasoline and oil, and non-fuel-related products typically for sale in the primary Food Store use. The building containing the non-fuel related sales shall not exceed a total of 900 square feet, and the sales floor area portion shall not exceed 450 square feet. No service or repair functions are allowed. (9/17)
 - 2. Subject to the provisions in Section 2.419. (9/17)
 - 3. Must be accessory to a **Food store (54)** use. The primary Food Store use must be a minimum of 15,000 square feet in area. (9/17)
 - 4. Must be setback more than 100 feet from adjacent public streets, and must provide pedestrian oriented amenities on the entire site. (9/17)
 - 5. Must provide screening and buffering to adjacent residential uses, and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right of way or adjacent properties. (9/17)
 - 6. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts. (9/17)
 - 7. Comply with all applicable requirements and standards, including, but not limited to KDC 2.301.04 (Traffic Impact Analysis) and all mitigations required by such section. Traffic analysis must address the operational needs of the Keizer Fire District. (9/17)

2.110.05 Use Restrictions

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

- A. **Farm Use**. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)

C. The following uses are prohibited from any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (12/03)

1. Gasoline service stations (554) except as provided in Section 2.110.04.C. (9/17)
2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
3. Vehicle sales and secondary repair. (5/98)
4. Public utility structures and buildings. (5/98)
5. Recreational vehicle parks (7033). (5/98)
6. Automobile parking not associated with an allowed use (752). (5/98)
7. Automotive Dealers (55). (5/98)
8. Automotive rental and leasing, without drivers (751). (5/98)
9. Automotive repair shops (753). (5/98)
10. Automotive services, except repair (754). (5/98)
11. Utilities - secondary truck parking and material storage yard. (5/98)

D. A limitation of the total floor area of specified uses applies to all of Area B – Retail Service Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E) (12) – (14). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (10/18)

2.110.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

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

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.110.07. (5/98)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.110.07. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	<u>Triplex</u> , <u>Quadplex</u> or Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet ~~(1)~~	~~(32)~~	~~(32)~~	~~(32)~~
Rear	~~(21)~~	~~(32)~~	~~(32)~~	~~(32)~~
Street-side ~~(43)~~	10 feet	10 feet	10 feet	10 feet
Garage entrance ~~(54)~~	20 feet ~~(54)~~	20 feet ~~(54)~~	20 feet ~~(54)~~	20 feet ~~(54)~~

- ~~(1) Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)~~
- ~~(21) The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)~~

- (32) The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (43) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (54) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.110.07 Development Standards

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

- A. Off-street parking:
 - 1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
 - 2. No off-street parking is required for uses above the ground floor. (5/98)
 - 3. The off-street parking requirement for residential uses is one space per unit. (5/98)
 - 4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)

- D. Signs. Signs shall conform to the requirements of Section 2.308.
(5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)

- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.
1. The minimum landscaped area requirements shall be as follows:

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%
 2. Properties located within Area B as defined in the Keizer Station Plan shall have a 20-foot landscape buffer along all property lines adjacent to any residential zone. Landscape and buffer requirements shall be met as defined in the Keizer Station Plan. (12/03)
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)
- | | <u>Max.</u> | <u>Min</u> |
|---|-------------|------------|
| Commercial development: | 90% | 50% |
| Mixed commercial and residential development: | 85% | 50% |
| Residential development: | 80% | 50% |
- J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)
1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)
 2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in

conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

2.110.08 Design Standards

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

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

2.112 COMMERCIAL GENERAL (CG)

2.112.01 Purpose

The purpose of the CG (Commercial General) zone is to provide areas suitable for warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The Commercial General zone is appropriate in those areas designated Commercial in the Comprehensive Plan where the location has access to an arterial street or highway for transport of bulk materials and where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local streets. (5/98)

2.112.02 Permitted Uses

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

- A. **One dwelling unit in conjunction with the commercial use(s)** of the lot. (5/98)
- B. **Recycling Depots.** (5/98)
- C. **Auctions yards.** (5/98)
- D. **Landscape and horticultural services (078).** (5/98)
- E. **Construction contractor's offices** and related outdoor storage (15, 16, 17) (5/98)
- F. **Printing and publishing (27).** (5/98)
- G. **Transportation and Utilities.** (5/98)
 - 1. Transportation, communication, electric, gas, and sanitary services (40 - 49). (5/98)
 - 2. Utilities - secondary truck parking and material storage yard. (5/98)
 - 3. Public utility structures and buildings. (5/98)
- H. **Wholesale trade (50)** except scrap and waste materials (5093). (5/98)
- I. **Retail Trade.** (5/98)
 - 1. Building materials, hardware, retail nurseries, and garden supply (52). (5/98)

2. General merchandise stores (53). (5/98)
3. Food stores (54). (5/98)
4. Automobile, recreational vehicle or trailer sales and supply stores (55), BUT EXCLUDING gasoline service stations (554). (5/98)
5. Apparel and accessory stores (56). (5/98)
7. Furniture, home furnishings, and equipment stores (57). (5/98)
8. Eating and drinking places (58). (5/98)
9. Miscellaneous retail (59). (5/98)
10. Electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shops. (5/98)

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

1. Finance, insurance, and real estate (60, 61, 62, 63, 64, 65, 67). (5/98)
2. Personal Services (72). (5/98)
3. Business services (73). (5/98)
4. Automotive repair services and garages (75). (5/98)
5. Miscellaneous repair services (76). (5/98)
6. Motion picture production and allied services (78), BUT EXCLUDING drive-ins (7832). (5/98)
7. Amusement and recreation service (79), BUT EXCLUDING racing (7948). (5/98)
8. Pet Grooming (6/01)

K. Public Administration. (5/98)

1. Fire protection (9224). (5/98)

L. Child foster home for five or fewer children as a secondary use. (6/99)

2.112.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 - 1. **Veterinary services** (074) (Section 2.414). (5/98)
 - 2. **Funeral service** and crematories (726) (Section 2.415). (5/98)
 - 3. **House of Worship** (Section 2.423). (5/98)
 - 4. **Used Merchandise Store** (Section 2.417). (5/98)
 - 5. **Home occupations** (Section 2.407). (5/98)
 - 6. **Adult entertainment business** (Section 2.418). (5/98)
 - 7. **Service stations** (554) (Section 2.419). (5/98)
 - 8. **Recreational vehicle storage** space (Section 2.413). (5/98)
 - 9. **Wireless Telecommunications Facilities (Section 2.427)**. (5/98)
 - 10. **Medical Marijuana Facilities** (Section 2.433). (10/14)
 - 11. **Marijuana Retailer** (Section 2.433) (1/16)
 - 12. **Mobile Food Vendor** (Section 2.434). (07/17)

2.112.04 Conditional Uses

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)

2.112.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	50 feet provided required setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.

B. Minimum Yard Setback Requirements

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	<u>Triplex,</u> <u>Quadplex or</u> Multi-Family	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	(1)	(1)	(1)	(1)
Rear	(1)	(1)	(1)	(1)
Street-side (2)	5 feet	5 feet	5 feet	5 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CG zone, the rear yard setback is 0 feet. (5/98)*
- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.112.06 Development Standards

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

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the CG zone shall comply with the Development Standards in Section 2.315. A caretaker's dwelling shall comply with the design standards in Section 2.314. (5/98)
- C. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)

2.114 GENERAL INDUSTRIAL (IG)

2.114.01 Purpose

The purpose of the IG (General Industrial) zone is to provide appropriate areas suitable for warehousing primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The General Industrial zone is appropriate in those areas designated General Industrial in the Comprehensive Plan where the location has access to an arterial street or highway for transport of bulk materials and where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. (5/98)

2.114.02 Permitted Uses

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

- A. **Dwelling unit or guest room for a caretaker** or watchman on the premises being cared for or guarded. (5/98)
- B. **Recycling depots.** (5/98)
- C. **Agricultural services (07).** (5/98)
- D. **Construction contractor's offices** and related outdoor storage (15, 16, 17). (5/98)
- E. **Manufacturing and Assembly (20-39); BUT EXCLUDING.** (5/98)
 - 1. Pulp, paper and paper board mills (261, 262, 263, 266). (5/98)
 - 2. Agricultural chemicals (287) and miscellaneous chemical products (289). (5/98)
 - 3. Leather tanning and finishing (311). (5/98)
 - 4. Cement (324); structural clay products (325), concrete, gypsum and plaster products (327) and abrasive, asbestos and miscellaneous non-metallic mineral products (329). (5/98)
 - 5. Metal forgings and stamping (346) and ordnance and accessories (348). (5/98)
 - 6. Storage batteries (3691) and primary batteries (3692),. (5/98)
- F. **Transportation, utilities and communication (40 - 49), BUT EXCLUDING travel agencies (4722).** (5/98)

- G. **Wholesale trade** (50, 51), BUT EXCLUDING scrap and waste materials establishments (5093) livestock (5154). (5/98)
- H. **Food stores and eating and drinking places** (58). (5/98)
- I. **Business and Professional Services:** The following business and professional services are permitted provided the gross floor area shall not exceed 10,000 square feet. (5/98)
 - 1. Cleaning services, including power laundries, family and commercial (7211), dry cleaning plants (7216), carpet and upholstery cleaning (7217), industrial launderers (7218) and laundry and garment services, not elsewhere classified (7219). (5/98)
 - 2. Business services (73). (5/98)
 - 3. Repair shops and related services, not elsewhere classified (7699). (5/98)
 - 4. Vocational schools; except vocational high schools, not elsewhere classified (8249). (5/98)
 - 5. Miscellaneous services (89). (5/98)
- J. **Research, development and testing services** (873)
- K. **Fire protection** (9224). (5/98)
- L. **Public and Private Utilities.** (5/98)
- M. **Uses clearly accessory to and subordinate** to the above. (5/98)

2.114.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203. (5/98)

- E. The following special uses subject to the applicable standards in Section 2.4:
1. **Energy facility** (Section 2.425). (5/98)
 2. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
 3. **Medical Marijuana Facilities** (Section 2.433). (10/14)
 4. **Marijuana Grow Site** (Section 2.433). (10/14)
 5. **Marijuana Retailer** (Section 2.433). (1/16)
 6. **Marijuana Processor** (Section 2.433). (1/16)
 7. **Marijuana Producer** (Section 2.433). (1/16)
 8. **Marijuana Wholesaler** (Section 2.433). (1/16)
 9. **Mobile Food Vendor** (Section 2.434). (7/17)

2.114.04 Conditional Uses

All uses in SIC categories 20 to 51 and not specifically identified as a permitted use in, or specifically excluded from, Section 2.114.03 may be established by a conditional use permit. The following shall also require a conditional use permit:

- A. **Wrecking yards**. (5/98)
- B. **Solid waste transfer facility**. (5/98)
- C. **Composting Facilities** allowed and properly permitted under state laws when such facilities are enclosed and do not utilize outside static pile or windrow composting methods. (3/21)

2.114.05 Prohibited Uses

- A. The following uses are prohibited on properties within the Keizer Station Plan boundary: (2/03)
 1. Manufacturing of grain mill products (204) (2/03)
 2. Manufacturing of biological products, except diagnostic substances (2836) (2/03)
 3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284) (2/03)

4. Miscellaneous plastic products (308) (2/03)
5. Motor freight transportation and warehousing (42) (2/03)

2.114.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	100 feet (1)

- (1) *Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (5/98)*
- (2) *Within the Keizer Station Plan boundary, one additional foot in height is permitted for every five feet of additional setback within fifty feet from property lines adjacent to residential uses. (02/03)*

B. Minimum Yard Setback Requirements

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	<u>Triplex, Quadplex or Multi-Family</u>	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	(1), (2)	(1), (2)	(1)	(1)
Rear	(1), (2)	(1), (2)	(1)	(1)
Street-side	5 feet	5 feet	5 feet	5 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the IG zone, the rear yard setback is 0 feet. (5/98)*
- (2) *A sight-obscuring fence shall contain yards adjacent to residential zones, wall, or hedge a minimum of 8 feet in height. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access*

easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.114.07 Development Standards

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

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the IG zone shall comply with the Development Standards in Section 2.315. A caretaker's dwelling shall comply with the design standards in Section 2.314. (5/98)
- C. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)
- I. **Open Storage:** Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of 8 feet in height. (5/98)

2.116 PUBLIC (P)

2.116.01 Purpose

The purpose of the P (PUBLIC) zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the P zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. (5/98)

The Public zone is applicable to those properties designated Civic, Schools and Park in the Comprehensive Plan. (5/98)

2.116.02 Permitted Uses

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

- A. **Farm use.** (5/98)
- B. **Forest use.** (5/98)
- C. **Utility facilities** necessary for public service except public power generation. (5/98)
- D. **Park and other recreational facility** improvements as part of a Master Parks Plan adopted by the Keizer City Council. (5/98)
- E. **Temporary commercial activities** which are subordinate and ancillary to the primary use. (5/98)

2.116.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Accessory structures** and uses prescribed in Section 2.203. (5/98)
- D. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)
- E. **Recreation Vehicle Space** for One (1) Recreational Vehicle in Conjunction with the Stadium or a Ballpark with seating for 4000 or more Persons. (Section 2.412(D)) (12/98)

- F. **Temporary commercial activities at stadiums in excess of 4,000 person capacity** (Section 2.428) (2/00)
- G. **Mobile Food Vendor** (Section 2.434) (07/17)

2.116.04 Conditional Uses

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

- A. **Dwelling for the caretaker or watchman**; housing for the staff required for an approved conditional use. (5/98)
- B. **Transportation, utilities and communication** (40 - 49) BUT EXCLUDING travel agencies (4722). (5/98)
- C. **Solid waste disposal site**. (5/98)
- D. **Business, Professional and Social Services**
 - 1. Cemeteries, crematoriums, and mausoleums (6553). (5/98)
 - 2. Commercial sports (794). (5/98)
 - 3. Public golf courses (7992) (Section 2.411). (5/98)
 - 4. Amusement parks (7996). (5/98)
 - 5. Amusement and recreation services not elsewhere classified (7999). (5/98)
 - 6. Health services (80). (5/98)
 - 7. Educational services (82). (5/98)
 - 8. Social services (83). (5/98)
 - 9. Museums, art galleries, botanical and zoological gardens (84). (5/98)
 - 10. Ball parks, parks, playgrounds, and parkways, public or private open space. (5/98)
- E. **Chamber of Commerce**. (5/98)
- F. **Public Administration** (91 - 97). (5/98)
- G. **Energy facility** (Section 2.425). (5/98)

2.116.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	50 feet provided setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.

B. Minimum Yard Setback Requirements

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	<u>Triplex, Quadplex or Multi-Family</u>	Commercial	Industrial
Front	10 feet	10 feet	10 feet	10 feet
Side	(1), (2)	(1), (2)	(1)	(1)
Rear	(1), (2)	(1), (2)	(1)	(1)
Street-side	10 feet	10 feet	10 feet	10 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the P zone, the rear yard setback is 10 feet. (5/98)*
- (2) *Yards adjacent to residential zones shall be contained by a sight-obscuring fence, wall, or hedge a minimum of 8 feet in height. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.116.06 Development Standards

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

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- E. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. **Landscaping:** A minimum of 20% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- G. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 80%. (5/98)
- H. **Open Storage:** Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of 8 feet in height. (5/98)

2.118 URBAN TRANSITION (UT)

2.118.01 Purpose

The UT (URBAN TRANSITION) zone is generally located in the north part of Keizer and includes a number of parcels which are not contiguous to each other. The zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The zone allows the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development. Properties that have available urban services, or can be served by the City's infrastructure system will be allowed to develop with a demonstration that the efficient use of the land proposed for development will be made and will not impair the development of surrounding properties. (9/19)

2.118.02 Permitted Uses

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

- A. Lawful uses other than those listed in this Section 2.118.02 on a property at the time of the effective date of this zone except as provided in Section 2.118.03. (5/98)
- B. **Farm use.** (5/98)
- C. The propagation of **forest products.** (5/98)
- D. **Public and semi-public buildings and structures** rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines. (5/98)
- E. **A mobile home customarily provided in conjunction with farm use** subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes. (5/98)
- F. **A mobile home subject to an agreement** requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 2.118.10 and other applicable standards. (9/19)
- G. **Nursery.** (5/98)
- H. **Child foster home** for five or fewer children. (6/99)
- I. **For parcels less than ½ acre in size,** any permitted or special permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation. (9/19)

2.118.03 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit (see Section 2.118.04): (9/19)

- A. **For parcels ½ acre or larger**, any permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation subject to meeting the criteria in Section 3.103.03, as well as Section 2.118.04. (9/19)
- B. Commercial and industrial activities in conjunction with farm or forest use occurring on the same parcel. (9/19)
- C. Use of a mobile home as a temporary hardship dwelling subject to Section 2.406. (5/98)
- D. Child foster home for six, seven or eight children, providing such home:
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
 - 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

2.118.04 Conditional Use Criteria

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

- A. The use will not increase traffic beyond the capacity of existing roads. (5/98)
- B. It will be located in such a manner that any significant unused portion of the property has adequate development options and will not restrict development options on adjacent properties. (5/98)
- C. The use can utilize rural services or existing urban services, and will not individually or together with nearby uses increase pressure for installation of new urban services. (5/98)
- D. The use meets the development standards of the most restrictive zone in the zoning ordinance consistent with the Comprehensive Plan designation. (5/98)
- E. The expansion will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing on the effective date of the application of this zone to the property. (5/98)
- F. The Comprehensive Plan designation clearly indicates that the use to be expanded will be a permitted use in the zones typically applied in the applicable designation. (5/98)
- G. No new residential structures or mobile homes except as provided for in section 2.118.02.E are permitted unless the area is designated for residential development and the most restrictive zone would permit the residential use or mobile home. (5/98)

2.118.05 Development Standards

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

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

2.118.06 Height

Within an UT zone, there is no height limit except a maximum of 35 feet for dwellings, and structures associated with special uses, and conditional uses. Buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height. (9/19)

2.118.07 Dimensional Standards

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

A. Minimum Yard Setback Requirements

SETBACKS	Residential Uses	Non-Residential Uses
Front	10 feet (54)	20 feet
Side	5 feet (1)	10 feet
Rear	(21)	20 feet
Street-side (32)	10 feet	20 feet
Garage Entrance (43)	20 feet	20 feet

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

(21) The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)

(32) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)

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

(54) The minimum front setback from an access easement shall be ten (10) feet. (10/15)

2.118.08 Other Development Standards

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

A. Off Street Parking: Parking shall be as specified in Section 2.303. (5/98)

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

2.118.09 Divisions of Land and Automatic Rezoning

- A. A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes, or the establishment of a mobile home park, may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Section 3.1, upon approval and recordation of the plat, or establishment of the mobile home park, the land included in the plat or park shall automatically be rezoned to the RS (SINGLE-FAMILY RESIDENTIAL) Zone. (5/98)
- B. Residential developments that are not allowable in the RS zone may only be considered as part of, or subsequent to, a change to a zone that allows the proposed development. (5/98)
- C. Notwithstanding the zone change procedures in Section 3.110, upon approval and recordation of a partition plat, the land included in the plat shall automatically be rezoned to the RS (SINGLE FAMILY RESIDENTIAL) Zone. The following regulations shall apply when property line adjustments and partitionings of land within the UT zone are proposed: (9/19)
 - 1. Existing parcels with dwellings may be separated from the remaining property provided the dwelling parcel does not preclude future

redevelopment of the remaining parcel to maximum densities allowed in the Comprehensive Plan designation, and any additional street right-of-way required by adopted standards is dedicated along the parcel's street frontage. In addition, the following minimum lot sizes apply for the parcel containing the dwelling: (5/98)

- a. Served by both public sewer and water: 5,000 square feet. (9/19)
 - b. Lacking public sewer or water: 20,000 square feet. (5/98)
 - c. Lacking both public sewer and water: 1 acre. (9/19)
- 2. Street and drainage improvements applicable to any parcel created under Subsection 1 shall be imposed at the time the remnant parcel is developed for urban use. (5/98)
 - 3. The location of parcel lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. A development plan may be required which indicates how the proposed division will not preclude future development at densities allowed in the Comprehensive Plan. (5/98)

2.118.10 Requirements for On-Site Sewage Disposal Permits

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

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

- H. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the property. (9/19)

2.130 RIVER-CHERRY OVERLAY DISTRICT (RCOD)

2.130.01 Purpose

The purpose of the River-Cherry Overlay District (RCOD) is to implement the land use principles of the Keizer Revitalization Plan, dated November 18, 2019. The RCOD is intended to promote efficient use of land and urban services; create a mixture of land uses that encourages employment and housing options in close proximity to one another; and encourage pedestrian-oriented development. This zone is intended to be accessible to pedestrians and bicyclists, as well as people using automobiles. (12/19)

2.130.02 Boundaries of the River-Cherry Overlay District

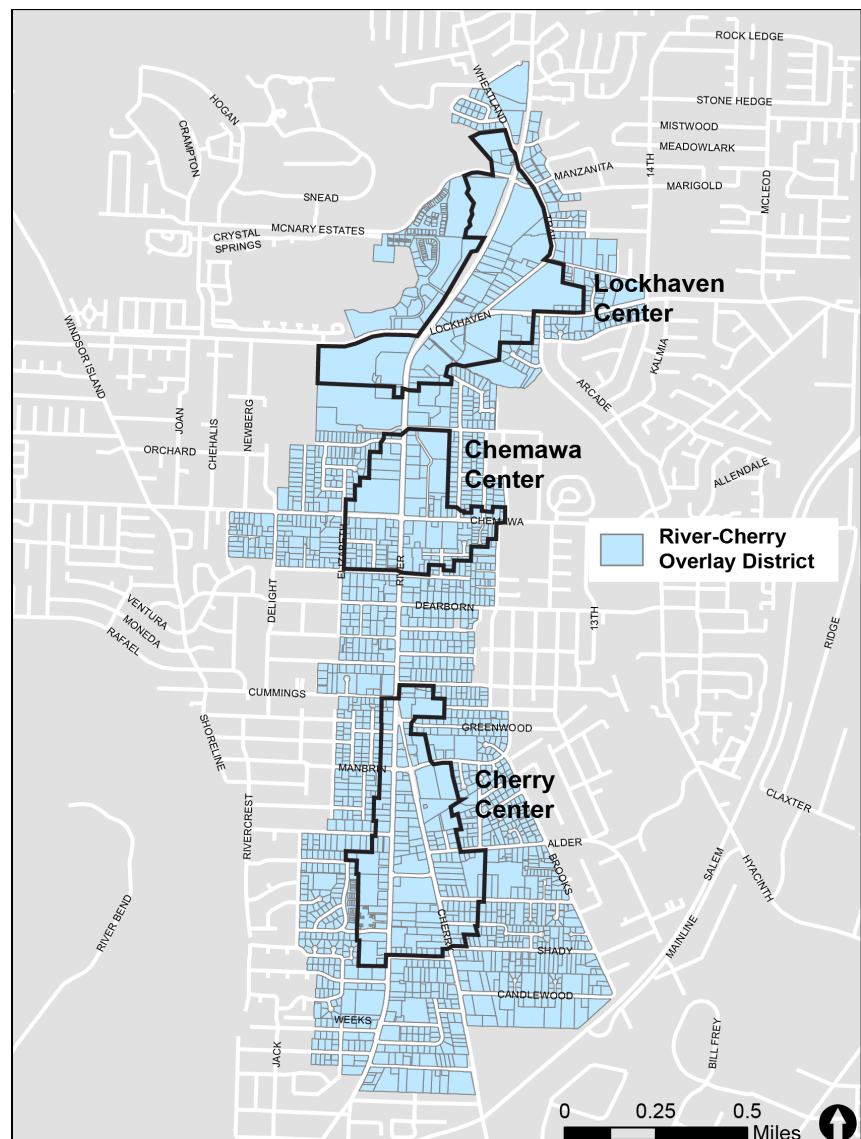
The boundaries of the RCOD, and boundaries of the three Centers sub-districts, are shown in Figure 2.130.02-1. (12/19)

Figure 2.130.02-1: River-Cherry Overlay District (RCOD)

2.130.03 Applicability

- A. The provisions of this Section shall apply to all lands located within the boundaries of the RCOD illustrated in Figure 2.130.02-1. The three Centers sub-districts of the RCOD are illustrated in Figure 2.130.02-1 and are established as follows: (12/19)

1. Lockhaven Center – Extends from approximately McNary Heights Drive N at the north to Rose Park Lane NE at the south; and from approximately Lakefair Place N at the west



to Crestwood Court NE at the east. The intersection of River Road N and Lockhaven Drive N is intended to be the center of activity within Lockhaven Center. (12/19)

2. Chemawa Center – Extends from approximately Claggett Street NE at the north to James Street NE at the south; and from approximately Elizabeth Street N at the west to Bailey Road NE at the east. The intersection of River Road N and Chemawa Road N is intended to be the center of activity within Chemawa Center. (12/19)
3. Cherry Center – Extends from approximately Dietz Avenue NE at the north to Bever Drive NE at the south; and from approximately 3rd Avenue N at the west to Partridge Lane NE at the east. The intersection of River Road N and Cherry Avenue NE and Sam Orcutt Way is intended to be the center of activity within Cherry Center. (12/19)

B. The provisions of the RCOD shall apply as follows.

1. They shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure and parcel of land on which it is located, unless otherwise specified by the provisions in this Section, and with the following exceptions. (12/19)
 - a. Interior remodels which do not change the exterior of the building or increase its floor area or building footprint. (12/19)
 - b. Replacement of equipment needed to operate an existing use, such as but not limited to commercial kitchen equipment, HVAC equipment, plumbing or electrical fixtures. (12/19)
 - c. Maintenance required to maintain the structural integrity of the building such as but not limited to replacement of a roof. (12/19)
2. Applications for new construction or major renovation in the RCOD are subject to City review as provided in KDC Section 3.101, and to the standards and guidelines in Sections 2.130.04 through 2.130.10. (12/19)

C. The RCOD replaces selected development standards in the underlying zoning districts, as set forth in Section 2.130.05. (12/19)

2.130.04 Uses

A. Permitted Uses

1. The uses in Table 2.130.04-1 are permitted in the Mixed Use (MU) zone within the RCOD. All other zones remain unchanged. (12/19)
2. Uses that are identified as permitted in the MU zone (Section 2.107.02 through 2.107.04) are permitted in the MU zone within the RCOD, EXCLUDING commercial parking lots that are surface lots. (12/19)
3. Uses that are not listed in Table 2.130.04-1 and that the Zoning Administrator determines to be similar to the uses in Table 2.130.04-1 or consistent with the RCOD Purpose statement (Section 2.130.01) are permitted. (12/19)

Table 2.130.04-1: Uses Permitted in the RCOD (12/19)

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Residential		
Household Living	P/S	Such as buildings with one or more dwelling units. Special Use provisions apply to shared housing facilities (Sections 2.403 and 2.130.05.C), ~~zero-side yard dwelling units (Section 2.404)~~ , cottage clusters (Section 2.432), and home occupations (Section 2.407).
Group living	P/S	Such as residential homes and facilities. Special Use provisions apply to nursing and personal care facilities (Section 2.431).
Commercial		
Commercial Lodging	P/S	Such as hotels and motels. Special Use provisions apply to bed and breakfast establishments (Section 2.408).
Commercial Recreation and Entertainment	P	Such as athletic clubs and movie theaters.

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Commercial Parking	P	Only parking structures.
Day Care Facility	P	
Durable Goods Sales	P	Such as home improvement, home furnishing, and appliance stores.
Eating and Drinking Establishments	P	
Health Care Offices	P	
Marijuana Facilities	S	Such as medical marijuana facilities and marijuana retailers. Special Use provisions apply (Section 2.433).
Offices	P/S	Such as finance, legal, and other professional businesses. Special use provisions apply to veterinary services (Section 2.414)
Retail Sales and Services	P/S	Such as food, apparel, hardware, and auto supply stores. Special Use provisions apply to used merchandise stores (Section 2.417), mobile food vendors (Section 2.434), funeral services (Section 2.415), and adult entertainment businesses (Section 2.418). Additional development standards apply to auto-oriented sales and services in RCOD Centers (Section 2.130.09(B)(4)).
Quick Vehicle Servicing	C	Such as gasoline service stations. Service stations consistent with Section 2.110.04.C are Conditional Uses. Additional development standards apply to auto-oriented services in RCOD Centers (Section 2.130.09(B)(4)).

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Industrial		
Light Manufacturing	C	Craft industries are Conditional Uses subject to the provisions in Section 2.421.
Institutional		
Assembly Facilities	P/S	Such as social and civic organizations. Special Use provisions apply to places of worship (Section 2.423).
Community Services	P	Such as public administration buildings.
Educational and Research Facilities	P	Such as schools, vocational schools, educational services, and laboratories.
Medical Centers	P	Such as clusters of health care offices, surgicenters or day surgery facilities (not a hospital).
Infrastructure/Utilities		
Parks and Open Space	P	Such as parks, plazas, playgrounds, and community clubs.
Public Safety Facilities	P/C	Such as police stations. Fire and ambulance stations are Conditional Uses subject to general Conditional Use criteria in Section 3.103.03.
Public Utility Structures	P/S	Such as substations. Special Use provisions apply to electrical substation (Section 2.426).

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Transportation Facilities	S/C	Special Use provisions apply to transit facilities (stops) (Section 2.305). Transit stations (centers) are Conditional Uses subject to the provisions in Section 2.429.
Wireless Communications Facilities	S	Special Use provisions apply (Section 2.427).

B. Prohibited Uses

The following uses are prohibited in the Mixed Use zone of the RCOD. This prohibition does not apply to any legally established use as of the date of the adoption of this Ordinance. (12/19)

1. Farm uses. (12/19)
2. Rendering, processing, and/or cleaning of food products for wholesale use. (12/19)
3. Outdoor storage or display whose impacts are not mitigated for consistent with Section 2.107.05.B.7. (12/19)
4. Camping and overnight parking in parking lots. (12/19)
5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)

2.130.05 Dimensional and Development Standards

The following subsections indicate dimensional standards and development standards required in the RCOD. These standards supplement, and in some cases replace, the development standards in the underlying zoning districts. Where the standards set forth in this Section conflict with standards in the underlying zoning districts, the RCOD development standards set forth in this Section shall control. (12/19)

Section 2.130.09 provides dimensional and development standards for Centers. For properties located within Centers, the standards of Section 2.130.09 shall supersede the standards of this section. (12/19)

A. Dimensional Standards

1. Minimum Lot Dimension Requirements (12/19)

Table 2.130.05-1: Minimum Lot Size and Average Width Standards, by Development Type

Zone	Dimension	~~Single Family Attached Townhouse~~	Single Family Detached ~~and Duplex~~	~~Triplex Duplex~~	~~Quadplex and Cottage Cluster~~	Multi-Family
MU	Lot Size	~~2,000~~ <u>1,500</u> sq. ft.	3,000 sq. ft.	~~4,000~~ <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	None (use density only)
	Average Width	20 feet	30 feet	~~40~~ <u>30</u> feet	<u>30 feet</u>	(defer to underlying zone)
RM	Lot Size	~~2,500~~ <u>1,500</u> sq. ft.	3,000 sq. ft.	~~4,000~~ <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	None (use density only)
	Average Width	~~25~~ <u>20</u> feet	30 feet	~~40~~ <u>30</u> feet	<u>30 feet</u>	(defer to underlying zone)
RS	Lot Size	~~3,000~~ <u>1,500</u> sq. ft.	3,500 sq. ft.	5,000 sq. ft. (1)	<u>7,000 sq. ft.</u>	N/A
	Average Width	~~30~~ <u>20</u> feet	35 feet	~~50~~ <u>35</u> feet (1)	<u>35 feet</u>	N/A

(1) Duplexes are only permitted on corner lots, per Sections 2.102.03 and 2.403.

B. Development Standards

1. Minimum Landscaping and Maximum Lot Coverage

The minimum landscaping and maximum lot coverage standards are provided in the following table. Minimum landscaping for a property shall include all required yards. Landscaped areas shall be landscaped as provided in Sections 2.309 and 2.130.06. Maximum lot coverage shall include all buildings, accessory structures, and paved parking areas. (12/19)

Table 2.130.05-2: Minimum Landscaping and Maximum Lot Coverage Standards

Zone	Minimum Landscaping	Maximum Lot Coverage (1)
MU	Commercial: 10% Mixed Use: 15% Residential: 15%	Commercial: 90% Mixed Use: 85% Residential: 85%
RM	15%	85%
RS	15%	85%

(1) Lot coverage standards do not apply to cottage cluster development.

2. Residential Density

The minimum and maximum density for subdivisions, partitions, multi-family or any residential development shall be as follows: (12/19)

Table 2.130.05-3: Minimum and Maximum Residential Density Standards

Zone	Minimum Density (1)	Maximum Density (1)
MU	12 units per acre (2)	28 units per acre (4)
RM	8 or 10 units per acre (3)	14 or 24 units per acre (3)(4) <u>25 units per acre for townhouses</u>
RS	6 units per acre	10 units per acre (4) <u>25 units per acre for townhouses</u>

- (1) Accessory residential housing units are included in the minimum density calculations but are not included in the maximum density calculations. (7/21)
- (2) There shall be no minimum residential density requirement for multi-family development within a mixed use building.
- (3) For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 10 units per acre; the maximum density shall be 24 units per acre.
- (4) Maximum density does not apply to duplexes, triplexes, quadplexes, or cottage cluster housing.

3. Off-Street Automobile Parking Requirements(12/19)

a. Applicability (12/19)

- i. The provisions of this Section shall apply to new development or redevelopment in the RCOD, as defined in Section 2.130.03. (12/19)
- ii. A change in the use of a building or structure from one permitted use to another permitted use shall not require additional parking spaces otherwise required for new development or redevelopment under the provisions of Section 2.130.05.3.b or of Section 2.303. (12/19)

b. Off-Street Automobile Parking Requirements^(12/19)

Off-street parking shall be provided in the amount not less or more than the minimum and maximum amounts listed below.
(12/19)

Table 2.130.05-4: Minimum and Maximum Off-Street Parking Requirements

LAND USE ACTIVITY	SPACES REQUIRED
Recreation Facility	Minimum: 1 space per 300 square feet Maximum: 1 space per 133 square feet
Personal Services	Minimum: 1 space per 400 square feet Maximum: 1 space per 233 square feet
Retail	Minimum: 1 space per 400 square feet Maximum: 1 space per 200 square feet
Eating/Drinking Establishment	Minimum: 1 space per 200 square feet Maximum: 1 space per 83 square feet
Single Family, ~~and Duplex,~~ <u>Triplex, Quadplex,</u> <u>Townhouse, Cottage Cluster</u>	Minimum: 1 per dwelling unit Maximum: 3 spaces per dwelling
Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot ^(7/21)	Minimum: 2 per dwelling unit Maximum: 3 per dwelling unit
Multi-family types	Minimums: 1 space per 1 bedroom unit or studio OR 1.25 spaces per 2 bedroom unit OR 1.5 spaces per 3 or more bedroom units Maximums: 1.5 space per 1.5 bedroom unit or studio OR 2.25 spaces per 2 bedroom unit + 1.5 spaces for every 10 additional units OR 2.25 spaces per 3 or more bedroom units + 1.5 spaces for every 10 additional units

All other land use activities shall be subject to the parking requirements of Section 2.303.06.A. ^(12/19)

- c. Allowances for parking reduction in Section 2.303.06.B and parking increase 2.303.06.C shall apply in the RCOD. Within designated Centers, additional reductions to required off-street parking may also be provided per Section 2.130.09.B.2. (12/19)

4. Flexibility for Mixed Use Development^(12/19)

The following provisions are intended to provide additional flexibility for mixed use development within the RCOD. These provisions shall apply if an applicant wishes to consolidate one or more parcels zoned Mixed Use (MU) with one or more adjacent and contiguous residentially-zoned parcels. The residentially-zoned portions of the consolidated site may develop with any use permitted in the MU zone, provided the following requirements are met: ^(12/19)

- a. One new housing unit shall be provided for each existing housing unit that is displaced by the redevelopment of the site. ^(12/19)
- b. Buffering and screening shall be provided between any multi-family, mixed use, or non-residential uses developed on-site and any adjacent residentially-zoned parcel, pursuant to KDC Section 2.309.05. ^(12/19)

C. Standards for Accessory Residential Housing^(12/19)

Accessory residential housing in the RCOD is subject to the following development standards. Where the standards set forth in this Subsection conflict with standards in Section 2.403 (Shared Housing Facilities), the standards set forth in this Subsection shall control. ^(12/19)

- 1. Number of Dwelling Units. Up to two (2) accessory housing units are permitted per lot. If two units are proposed, one (1) of the units shall be attached. If one unit is proposed, that unit may be attached to, or detached from the primary residence. ^(12/19)
- 2. Parking. No additional parking is required for the accessory housing unit. Existing parking required for the primary residence must be maintained or replaced on-site following development of accessory housing units. ^(12/19)

2.130.06 Landscaping Standards

The following subsections indicate landscaping standards required in the RCOD. These standards supplement, and in some cases replace, the landscaping standards in KDC Section 2.309. Where the standards set forth in this Section conflict with standards Section 2.309, the RCOD development standards set forth in this Section shall control. (12/19)

A. Purpose

The purpose of the landscaping standards in this Section is to provide enhanced landscape design for sites within the RCOD, in order to create attractive street frontages that enhance the appearance of the district and provide a pleasant experience for pedestrians. The purpose is also to balance the reduced requirements for minimum landscaped area in the district, per Section 2.130.05.B.1. Landscaping standards in the RS zone remain unchanged. (12/19)

B. Landscape Standards

1. All front yards and all side yards abutting a street either shall be landscaped according to the following standards or shall be occupied by pedestrian amenities (e.g., plaza, outdoor seating, outdoor eating areas). (12/19)
 - a. All street-facing facades shall have landscaping along their foundation. (12/19)
 - b. The landscaped area shall be at least 3 feet wide. (12/19)
 - c. An evergreen shrub meeting the planting standards of Section 2.309.06.H shall be planted for every 3 lineal feet of foundation. (12/19)
 - d. Where landscaped areas in front yards and in side yards abutting a street are a minimum of 10 feet wide, trees shall be planted for every 30 lineal feet of building foundation. (12/19)
 - e. Groundcover meeting the planting standards of Section 2.309.06.I shall be planted in the remainder of the landscaped area. (12/19)
 - f. Plants approved by the Zoning Administrator or on City-approved lists shall be used. (12/19)
 - g. Exceptions. These standards do not apply to properties with front yard setbacks that are less than 10 feet. (12/19)

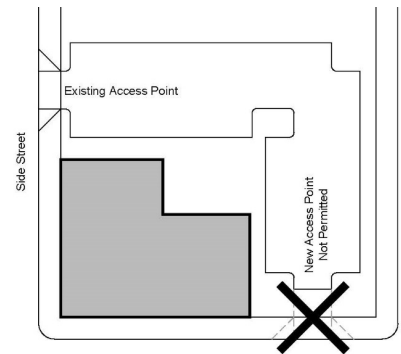
2. The following planting standards shall apply to all required landscape areas except for front yards or side yards abutting a street, as provided in subsection 1. (12/19)
 - a. Trees – A minimum of one (1) tree shall be planted for every 500 square feet of required landscape area. Evergreen trees shall have a minimum height of 6 feet and deciduous trees shall have a minimum caliper of 2 inches and a minimum height of 8 feet at the time of planting. (12/19)
 - b. Shrubs – One (1) evergreen shrub having a minimum mature height of 4 feet shall be provided for every 75 square feet of required landscape area. (12/19)
 - c. Ground cover – Ground cover meeting the standards of Section 2.309.06.I shall be planted in the landscaped area not occupied by required trees or shrubs. (12/19)
 - d. Plants approved by the Zoning Administrator or on City-approved lists shall be used. (12/19)
 - e. Rock, bark, or similar landscape cover materials may be used for up to 25% of the required landscape area. Hardscape treatments may be substituted upon approval of the Zoning Administrator. (12/19)

2.130.07 Access Standards

- A. Purpose
The purpose of managing access points onto public streets, especially onto collectors and arterials, is to reduce conflicts between users of the transportation system, to increase safety, to aid in the flow and mobility of traffic by all modes, and to create a more welcoming pedestrian environment. (12/19)
- B. Applicability
In addition to the general applicability standards established in 2.130.03(B), the provisions of this Section shall apply to development when a site's number of parking spaces will increase by more than 15% of the existing number of parking spaces or more than 20% of a site's existing parking area will be reconstructed. (12/19)
- C. Access Standards
Street functional classifications and spacing standards referred to in the following provisions are established in the currently adopted City of Keizer Transportation System Plan. (12/19)

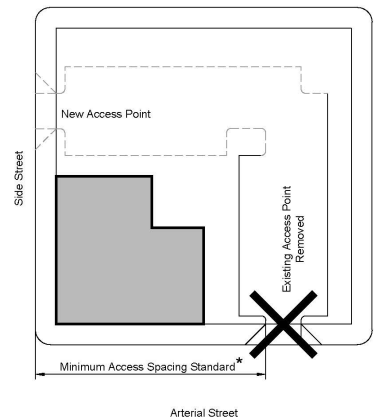
1. Standard A – A property fronts an arterial and a side street, which is not classified as an arterial, and has its existing access point on the side street. The access point on the side street shall be maintained and a new access point on the arterial is not permitted. (12/19)

Figure 2.130.07-1: Access Standard A



2. Standard B – A property has a single existing access point on an arterial street and also fronts a side street that is not an arterial or an alley. If the existing access point has substandard spacing from the nearest intersection or driveway, the existing access point shall be closed and a new access point on the side street shall be established. (12/19)

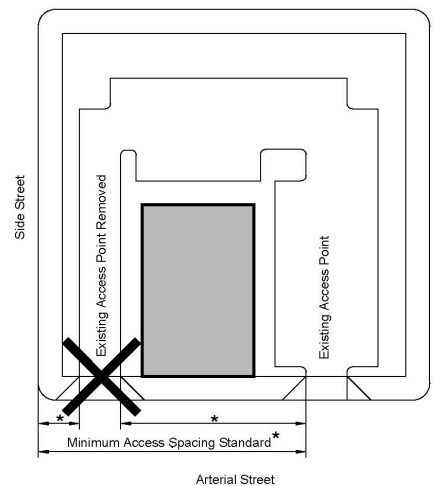
Figure 2.130.07-2: Access Standard B



* Substandard spacing could potentially exist:
 1) Between access points (driveways) on a site and street intersections.
 2) Between access points (driveways) on a site and access points (driveways) on neighboring sites.

3. Standard C – A property has two or more existing access points on an arterial. All access points with substandard spacing shall be closed, while a minimum of one access point may be maintained. If all existing access points have substandard spacing from the nearest intersection or driveway, the access point with spacing that is closest to meeting spacing standards shall be maintained. (12/19)

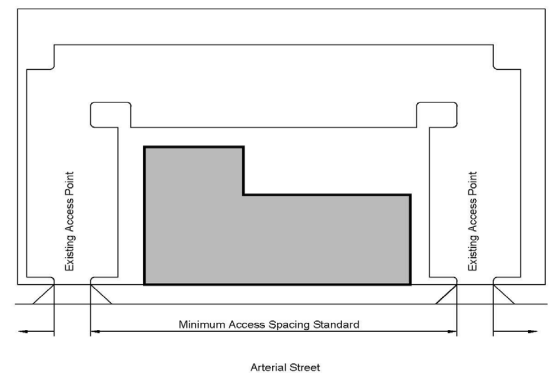
Figure 2.130.07-3: Access Standard C



* Substandard spacing could potentially exist:
 1) Between access points (driveways) on a site with multiple driveways on a frontage.
 2) Between access points (driveways) on a site and street intersections.
 3) Between access points (driveways) on a site and access points (driveways) on neighboring sites.

4. Standard D – A property has one or more access points on an arterial and all access points have sufficient spacing from the nearest intersection or driveway. The access points may be maintained. (12/19)

Figure 2.130.07-4: Access Standard D



5. Exceptions. Where there are safety or traffic operations issues identified in a traffic impact analysis prepared consistent with Section 2.301.04, which are the result of substandard access spacing, the Public Works Director may require one or more of the following: (12/19)
- A limit on the number, location, and/or turning movements of existing and new proposed connections to a City street. (12/19)
 - A driveway to extend to one or more edges of a parcel to allow for future extension and inter-parcel circulation as adjacent properties develop. (12/19)
 - A recorded access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s). (12/19)

2.130.08 Master Plans in Lockhaven Center

Development within the Lockhaven Center may be subject to Master Plan approval as provided in Section 3.114 and this Section 2.130. (12/19)

2.130.09 Dimensional and Development Standards in Centers

The following subsections indicate dimensional standards and development standards required within designated Centers in the RCOD. These standards supplement, and in some cases replace, the general standards for the RCOD provided in Section 2.130.05, as well as in the underlying zoning districts. Where the standards set forth in this Section conflict with standards in Section 2.130.05 or in the underlying zoning districts, the standards of this Section shall control. (12/19)

A. Dimensional Standards in Centers

1. Minimum and Maximum Front Yard Setback Requirements (12/19)

- a. The following front yard setback standards apply to multi-family, commercial, and mixed use development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within designated Centers: (12/19)

Table 2.130.09-1: Front Yard Setback Standards in Centers

Zone	Front Setbacks	Multi-Family	Commercial or Mixed Use
MU	Minimum	0 feet/6 feet (1)	0 feet/6 feet (1)
	Maximum	10 feet (2)	10 feet (2)
RM	Minimum	5 feet (3)	N/A

- (1) *A 0-foot setback is permitted on properties fronting River Road where right-of-way has already been provided or dedicated, consistent with the adopted 84-foot right-of-way width for arterials identified in the Keizer Transportation System Plan standards. Where such right-of-way is not already provided or dedicated, a minimum 6-foot setback is required.* (12/19)
- (2) *The maximum setback may be extended to 20 feet for up to 50% of the building facade if a plaza or other pedestrian open space is provided between the building and the sidewalk. The pedestrian open space must meet the standards of Section 2.130.10.E.* (12/19)
- (3) *Non-residential development in the RM zone shall be subject to the same minimum and maximum setback standards as multi-family development.* (12/19)
- b. Properties not subject to the setback standards listed in subsection a of this section are subject to the setback standards of the underlying base zone. (12/19)

B. Development Standards in Centers

1. Minimum Landscaping and Maximum Lot Coverage in Centers(12/19)

The minimum landscaping and maximum lot coverage standards for properties located in designated Centers are provided in the following table. Minimum landscaping for a property shall include all required yards. Landscaped areas shall be landscaped as provided in KDC Sections 2.309 and 2.130.06. Maximum lot coverage shall include all buildings, including accessory structures consistent with the definition of lot coverage. (12/19)

Table 2.130.09-2: Minimum Landscaping and Maximum Lot Coverage Standards in Centers (12/19)

Zone	Minimum Landscaping	Maximum Lot Coverage
MU	Commercial: 5% Mixed Use: 10% Residential: 10%	Commercial: 95% Mixed Use: 90% Residential: 90%
RM	10%	90%
RS	10%	90%

2. Reductions to Minimum Parking in Centers

Within designated Centers, the number of minimum required parking spaces provided in Sections 2.130.05.B.3.b and 2.303 may be reduced by up to a total of 25% if the applicant can demonstrate the following: (12/19)

- a. The site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park and ride lots are provided or will be provided as part of the development of the site. Allow up to a 20% reduction to the standard number of automobile parking spaces based on the level of amenities provided. This reduced parking allowance shall replace, not supplement, the 10% allowance provided in KDC Section 2.303.06.B. (12/19)
- b. A transportation demand management (TDM) plan is in place that will demonstrably reduce parking demand. The parking reduction percentage shall be determined by the Zoning Administrator based on the TDM plan. (12/19)
- c. Residential uses are targeted to populations with demonstrably lower parking needs (e.g., low-income households, seniors, etc.) OR the site is developed with affordable housing reserved for those earning incomes at or below 80% of the area median income (AMI). Allow up to a 10% reduction to the number of automobile parking spaces. (12/19)
- d. The site has dedicated parking spaces for carpool or vanpool vehicles. Allow up to a 5% reduction to the standard number of automobile parking spaces. (12/19)
- e. The site has at least 15% of its dedicated parking spaces for motorcycles, scooters, or electric carts. Allow up to a 20%

reduction in the minimum required dimensions for up to 5% of the parking spaces. (12/19)

- f. Pursuant to Section 2.107, applications for sites in the MU zone may also request a reduction to or waiver of parking standards based on a parking impact study. (12/19)
- g. An EV charging station is provided. Allow up to a 5% reduction. (12/19)
- h. Use of shared parking facilities on one or more lots. This provision is not subject to the 25% maximum reduction. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking spaces on one or more lots when the peak hours of operation of the uses do not overlap, subject to the following: (12/19)
 - i. The shared parking facility(ies) shall contain the same number of vehicle parking spaces required by the use which requires the greatest amount of parking per Sections 2.130.05.B.3.b and 2.303; (12/19)
 - ii. Satisfactory legal evidence shall be presented to the Zoning Administrator in the form of deeds, leases or contracts to establish the shared use and be recorded with the Marion County Records Office against all properties involved; (12/19)
 - iii. Shared parking spaces must be within 300 feet of the uses, structures or parcels sharing such parking. (12/19)
 - iv. If a shared use arrangement is subsequently terminated, or if the uses change, the requirements of the KDC shall apply to each use separately. (12/19)

3. Parking in Mixed Use Projects in Centers (12/19)

- a. Mixed use projects shall include either uses that are contained in a single building (vertical mixed use) or in a group of single-purpose buildings that share a single parking facility (horizontal mixed use). (12/19)
- b. The required minimum vehicle parking shall be determined using the following factors. (12/19)
 - i. Uses above the ground floor. The minimum parking requirement shall be 50% of what is required for the use pursuant to Section 2.303. (12/19)

- ii. Ground floor uses with peak hours of operation that do not overlap. The minimum parking requirement is determined by the number of spaces needed for the area of use with the highest peak demand. (12/19)
 - iii. Ground floor uses with overlapping peak hours of operation shall be calculated in the aggregate. (12/19)
 - c. Primary use, i.e., that with the largest parking demand within the development, at 100% of the minimum vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
 - d. Secondary use, i.e., that with the second largest parking demand within the development, at 90% of the vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
 - e. Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Sections 2.130.05.B.3.b and 2.303. (12/19)
4. Standards for Auto-Oriented Uses and Development (12/19)
- a. Applicability. The standards of this subsection apply to auto-oriented uses and development on properties fronting River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within Centers. For the purposes of this subsection, “auto-oriented uses and development” refers to the following uses: (12/19)
 - i. Gasoline service stations (Section 2.419). (12/19)
 - ii. Drive-Through windows or car service associated with eating and drinking places. (12/19)
 - iii. Vehicle sales and secondary repair (Section 2.420). (12/19)
 - iv. Public utility structures and buildings. (12/19)
 - v. Recreational vehicle parks (Section 2.412). (12/19)
 - vi. Structured automobile parking not associated with an allowed use. (12/19)
 - vii. Automotive Dealers. (12/19)
 - viii. Automotive rental and leasing, without drivers. (12/19)
 - ix. Automotive repair shops (Section 2.420). (12/19)

- x. Automotive services, except repair (Section 2.420). (12/19)
- xi. Utilities - secondary truck parking and material storage yard. (12/19)
- b. Auto-oriented uses and development in Centers may be permitted subject to obtaining a Conditional Use Permit. Applicants must demonstrate how the proposed development either limits or mitigates the safety and aesthetic impacts of the auto-oriented use on the pedestrian environment. Possible strategies to limit/mitigate impacts include increased setbacks, provision of pedestrian-oriented amenities, screening and buffering from the right-of-way and from adjacent residential uses, and access management and control measures. These strategies shall be consistent with screening and other requirements in existing special use standards that address limiting and mitigating impacts. (12/19)

2.130.10 Urban Design Standards in Centers

A. Purpose

The purpose of the urban design standards for Centers is to create pedestrian-oriented places that serve as the centers of commercial and civic activity and as destinations for residents and visitors in the River Road / Cherry Avenue Corridor. Pedestrian-oriented places provide visual interest at eye-level, feel safe and comfortable for people walking, contain a variety of activities and services, are easy to navigate on foot, and provide open areas and amenities for gathering and resting. The regulations for Centers modify the regulations of the overall River-Cherry Overlay District and of the underlying base zones to ensure pedestrian-oriented land uses and design. (12/19)

B. Applicability

The following standards apply to multi-family, mixed use, and non-residential development on properties, except as noted below. Some standards only apply to properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue, as provided in each applicable subsection below. Outside of the centers in the RCOD, Section 2.315 applies. (12/19)

C. Building Entry Orientation & Design

The following Building Entry Orientation & Design standards apply to development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. Orientation (12/19)

- a. All buildings shall have at least one primary entrance facing the street, where facing means positioned at an angle of 45 degrees or less. (12/19)

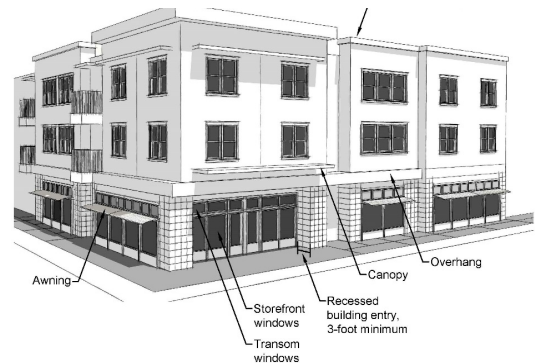
- b. For the purposes of this section, the “primary building entrance” is the main public entrance to the building. In the case where no public entrance exists, the “primary building entrance” is the main employee or resident entrance. Where there are multiple buildings on a lot, all buildings shall comply with this standard. (12/19)

2. Walkway. All primary entrances to a building must be connected to the sidewalk by a direct and continuous walkway. A direct walkway follows a route that does not deviate unnecessarily from a straight line and it does not involve a significant amount of out-of-direction travel. Walkway materials and dimensions shall be consistent with pedestrian circulation standards in Section 2.315.06.A. (12/19)

3. Entry Design (12/19)

Figure 2.130.10.C-1: Building Entry

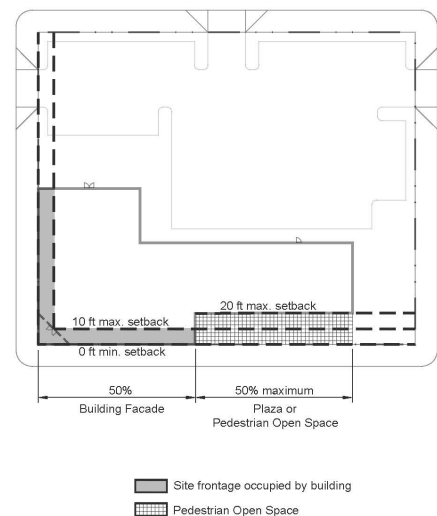
- a. Primary building entrances shall provide weather protection for pedestrians and must be architecturally emphasized, subject to the following standards: (12/19)



- i. Non-residential and mixed use buildings must comply with at least two (2) of the following: (12/19)
- a) Recessed entrances. If recessed, primary entrances shall be recessed a minimum of 3 feet into the building façade. (12/19)
 - b) Awnings, canopies, or overhangs. These may be used to provide weather protection and a visual element and meet height, projection, and materials standards in Sections 2.312 and 2.315. Awnings and canopies must also meet the standards of Section 2.130.10.L.4. (12/19)
 - c) Architectural features. Primary entrances may be reinforced with architectural features such as increased heights of entrance areas and doors, articulated parapets, transom windows above the doors, sidelights beside the doors, and/or windows (glass) in the doors. (12/19)

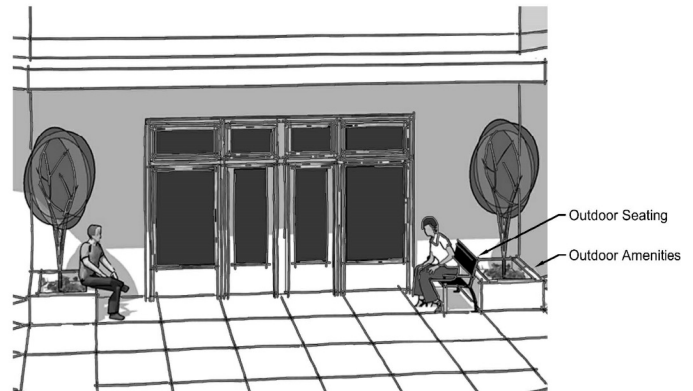
- d) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or other decorative features. (12/19)
 - e) Columns, piers, or pilasters that extend at least six (6) inches from the building may be used to frame and highlight entrances. (12/19)
 - ii. Multi-family residential buildings must provide weather protection over the primary building entrance and over entrances to all ground floor units. Weather protection may be provided using awnings, canopies, building overhangs such as eaves extending over front doors, covered front porches, or inset front doors. Awnings, canopies, and overhangs are subject to height, projection, and materials standards in Sections 2.312 and 2.315. (12/19)
- D. Corner Entrances and Features
Non-residential and mixed use buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building design shall provide an architectural element or detailing (e.g., tower, beveled/chamfered corner, art, special trim). (12/19)
- E. Pedestrian Open Space
 - 1. Pursuant to Section 2.130.09.A.1, the maximum setback for properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue may be extended to 20 feet for up to 50% of the building facade if a plaza or other pedestrian open space is provided between the building and the sidewalk. (12/19)

Figure 2.130.10.D-1: Pedestrian Open Space (Plan View)



2. The pedestrian open space must include at least one type of outdoor seating from the list in subsection a below, and a total of at least two pedestrian amenities from the lists in subsections a or b. (12/19)
 - a. Outdoor seating: benches, tables and chairs, or seat walls. (12/19)
 - b. Other amenities: fountains, drinking fountains, landscape planters, bollards, shade structures, or public art. (12/19)

Figure 2.130.10.D-2: Pedestrian Open Space Amenities



3. Pedestrian open space shall not be entirely paved, and shall include pedestrian amenities as listed in Subsection 2 above. (12/19)

F. Parking Location

1. Parking or vehicle circulation areas shall not be located within a required front yard setback or within a required side yard setback abutting River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue. (12/19)
2. Parking or vehicle circulation areas shall be limited to 50 percent of the street frontage abutting River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue. (12/19)

G. Parking Perimeter Landscaping

1. Where surface parking or vehicular circulation areas are located adjacent to the right-of-way, perimeter landscaping with a minimum width of 5 feet and a minimum height of 2.5 feet shall be provided. Perimeter landscaping shall include trees spaced not more than 30 feet on center, and shall include a mix of shrubs and ground cover and/or a landscaped swale for stormwater management. (12/19)

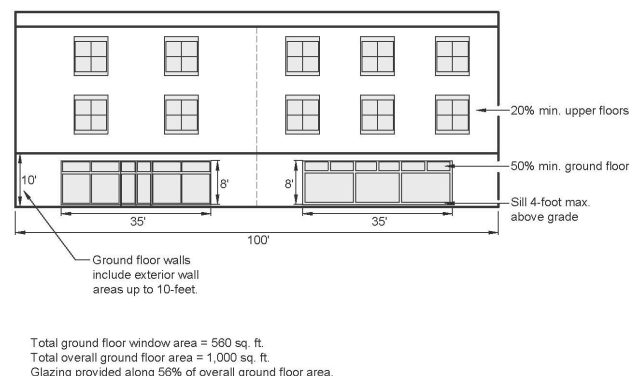
2. The buffering and screening requirements for parking areas in KDC Section 2.309.05.A.5 shall not apply within Centers, except for parking areas abutting residential zones. (12/19)

H. Window Coverage

Window coverage standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

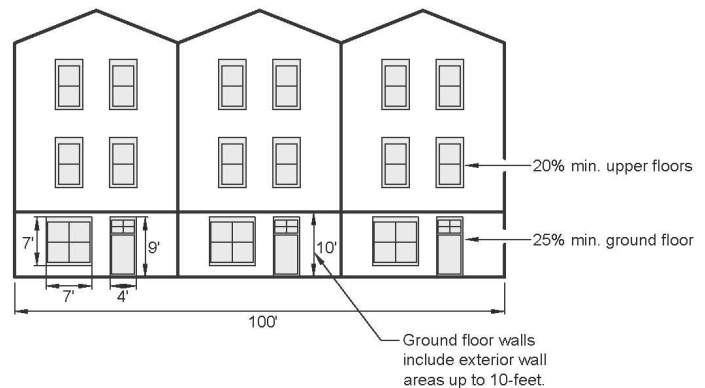
1. Non-residential or mixed use buildings are subject to the following standards: (12/19)
 - a. Ground floor windows. A minimum of 50% of the ground floor wall area of non-residential or mixed-use buildings shall contain windows, display areas, or doorway openings. Windows, display areas, or doorway openings used to meet this standard shall comply with the following provisions: (12/19)
 - i. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. (12/19)
 - ii. Windows used to meet this standard shall have a visible transmittance (VT) of 0.6 or higher. (12/19)
 - iii. The sill or lower edge of a window, display area, or doorway used to meet this standard shall be no more than four feet above grade. Where interior floor levels prohibit such placement, the sill or lower edge must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum height of six feet above grade. (12/19)
 - b. Upper floor windows. For buildings with more than one story, a minimum of 20% of the upper floor wall area of non-residential or mixed-use buildings shall contain windows. (12/19)

Figure 2.130.10.H-1: Window Coverage for Mixed-Use Buildings



2. Multi-family residential buildings are subject to the following standards:
(12/19)
 - a. Ground floor windows. A minimum of 25% of the ground floor wall area of multi-family residential buildings shall contain windows. (12/19)
 - b. Upper floor windows. A minimum of 20% of the upper floor wall area of multi-family residential buildings shall contain windows. (12/19)

Figure 2.130.10.H-2: Window Coverage for Multi-Family Residential Buildings



Total ground floor window + door area = 255 sq. ft.
 Total overall ground floor area = 1,000 sq. ft.
 Glazing provided along 25% of overall ground floor area.

3. For all building facades subject to the window coverage standards of this section, ground floor walls shall include all exterior wall areas up to 10 feet above the finished grade of the entire width of the street-facing elevation. Upper floor wall area shall include all exterior wall areas above 10 feet above the finished grade. (12/19)

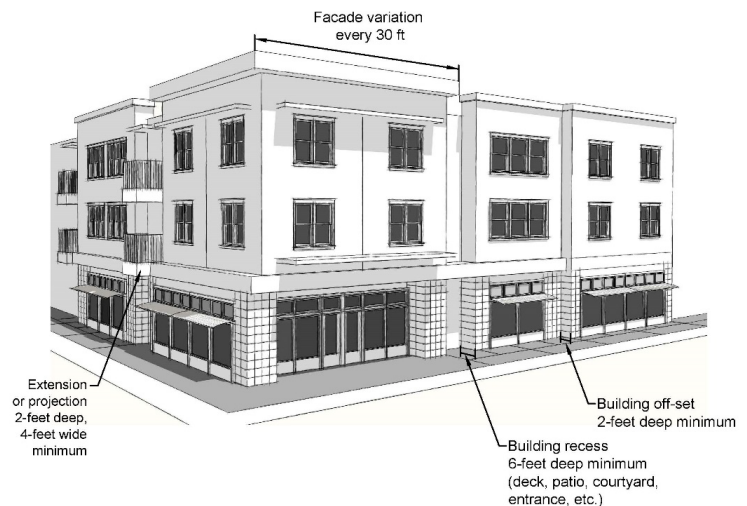
I. Façade Variation and Detailing

The following standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. Facades shall avoid large expanses of uninterrupted building surfaces in areas which are visible to the public by incorporating features listed in I.2 below to vary the look of the facade at intervals not to exceed 30 feet. (12/19)
2. Each facade subject to this standard shall provide at least two (2) of the following features in order to meet the façade variation and detailing standard: (12/19)

- a. Variation in building materials between primary materials and trim materials established in Section 2.315.06.B.4, where at least 65% of each building façade consists of primary materials; (12/19)
- b. Building off-set of at least two (2) feet; (12/19)
- c. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet; (12/19)
- d. Extension or projection (e.g., floor area, deck, patio, porch, roof over a porch, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; (12/19)
- e. Other similar façade variations approved by the Zoning Administrator. (12/19)

Figure 2.130.10.I-1: Façade Variation and Detailing



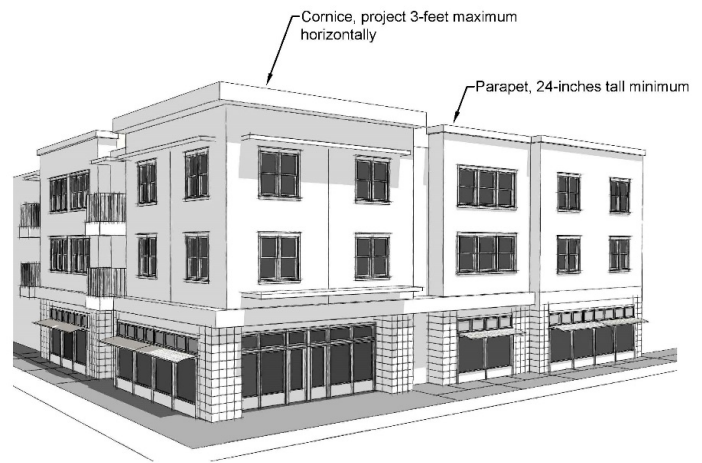
J. Roof Forms

The following standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows: (12/19)

1. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually “cap” the building and meet all of the following requirements: (12/19)
 - a. Cornices shall project horizontally a maximum of 3 feet. (12/19)
 - b. Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing. (12/19)

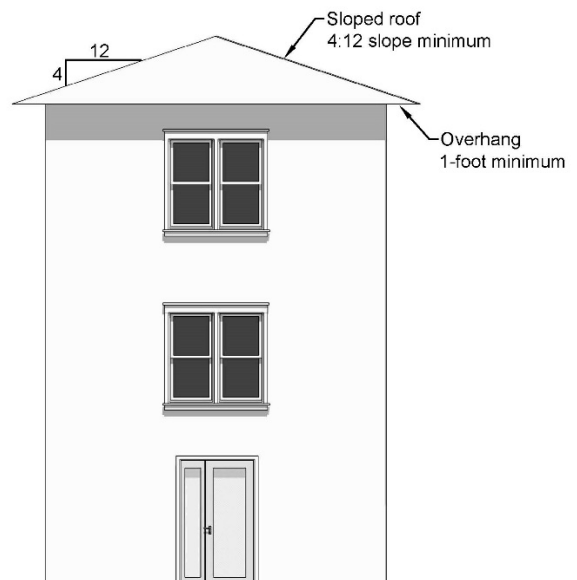
- c. Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area. (12/19)

Figure 2.130.10.J-1: Flat Roof Forms



2. Sloped roofs must meet all of the following requirements: (12/19)
- All sloped roofs shall provide a minimum 1-foot overhang. (12/19)
 - All sloped roofs must have a minimum slope of 4:12 (12/19)

Figure 2.130.10.J-2: Sloped Roof Forms

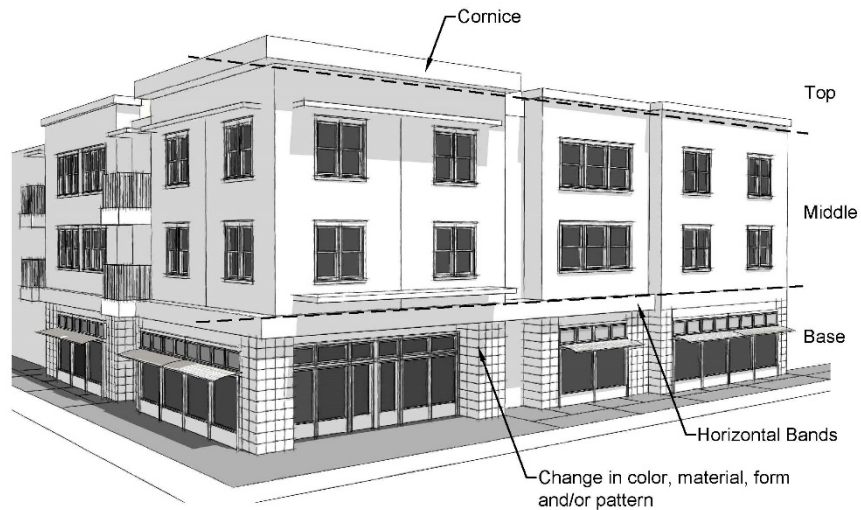


K. Base, Middle, and Top of Building

The following standards apply to building facades of non-residential and mixed use buildings facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. All buildings with two (2) stories or more shall have a clear and distinct base, middle and top to break up vertical mass. (12/19)
2. All facades subject to this standard must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements: (12/19)
 - a. Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 inch from the building face. (12/19)
 - b. Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches. (12/19)

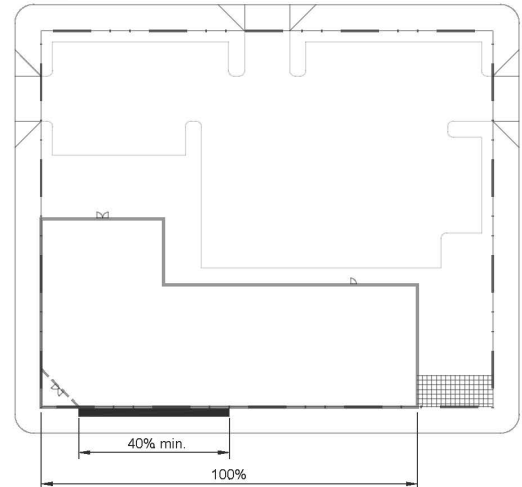
Figure 2.130.10.K-1: Building Base, Middle, and Top



L. Weather Protection for Non-Residential or Mixed Use Buildings

Figure 2.130.10.L-1: Weather Protection

Weather protection for pedestrians shall be provided along a minimum of 40% of a building frontage facing River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue, subject to the following provisions and consistent with Section 2.130.10.C.3: (12/19)



40% Minimum of building frontage facing River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue

Weather Protection

1. Weather protection may be provided by awnings, canopies, arcades, colonnades, recessed entries, or combination of these elements. (12/19)
2. Vertical clearance from the weather protection element to the sidewalk must be between 9 to 12 feet. (12/19)
3. Recessed entries must be recessed a minimum of 4 feet from the building façade. (12/19)
4. Awnings and canopies shall project a minimum of 5 feet from the building façade, or a minimum of 4 feet for a recessed building entry, and shall be constructed of canvas, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (12/19)

M. Building Materials

Buildings shall be subject to the Materials and Texture standards of Section 2.315.06.B.4, as modified by the following requirements. (12/19)

1. The following exterior materials or finishes are prohibited within designated Centers: (12/19)
 - a. Vinyl siding. (12/19)
 - b. T-111 or similar sheet materials. (12/19)
 - c. Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry);

foundation material may be skim-coated concrete block where the foundation material is not revealed for more than 3 feet. (12/19)

2. Each building façade facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue shall include a minimum of two (2) types of exterior materials, each with an area of at least 20% of the façade. Brick or masonry (except CMU) may be used singly and applied to the entirety of the façade. (12/19)

N. Screening of Mechanical Equipment (12/19)

1. Building Walls (12/19)
 - a. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way, it shall be screened from view by a sight obscuring fence, wall, landscape screen, or combination of screening methods. (12/19)
 - b. Standpipes, meters, vaults, and similar equipment need not be screened but such equipment shall be placed on a side or rear building elevation except where the applicant can demonstrate that such locations are not physically or financially feasible. (12/19)
2. Rooftop Mechanical Equipment. Rooftop mechanical units shall be set back or screened behind a parapet wall so that they are not visible from any public right-of-way. Where the applicant demonstrates that such placement and screening is not physically or financially feasible, the Zoning Administrator may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any. Solar panels are exempt from this standard. (12/19)
3. Ground-Mounted Mechanical Equipment. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. (12/19)

2.301 GENERAL PROVISIONS

2.301.01 Purpose

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan and adopted planning documents such as the Transportation System Plan, with respect to development standards and policies. (11/09)
- B. Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction. (11/09)
- C. Promote energy conservation and efficiency in development through site planning and landscaping. (11/09)
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods. (11/09)
- E. Encourage quality development that contributes to the needs and character of the community. (5/98)

2.301.02 Application of Standards

- A. Application. The standards governing development as set forth in Section 2.3, the applicable zone district, and/or within Section 2.4 as applicable shall apply to partitions; subdivisions; planned unit developments; commercial and industrial development; public and non-commercial development; single family dwellings, duplexes and multi-family structures. (11/09)
- B. Phasing. Phasing or delay of improvements may be authorized as allowed by this section. When it is determined by the City that the strict application of the requirements outlined in the table below is impractical or not feasible then consideration may be given for delaying or phasing the required public facilities improvements. Phasing may be considered when: (11/09)
 - 1. lack of connecting facilities exists; (11/09)
 - 2. any plans that the city may have for future public facilities improvements that may justify phasing or delaying so that the project may be incorporated into the city's improvement plans; (11/09)
 - 3. other engineering factors that may justify that the improvements should be delayed exist. (11/09)

If a delay or phasing is allowed it is not to be considered as a modification of the required improvements or that the improvements are to be eliminated. The property owner shall sign an appropriate agreement with the city in a recordable form that shall obligate the property owner to construct the improvements at the specified time within the agreement. Phasing is authorized only if specifically allowed for in the land use decision or the building permit. (11/09)

2.301.03 Public Facility Improvement Requirements

Standards for the provision and utilization of public facilities or services available within the City of Keizer shall apply to all land developments in accordance with the following table. No development permit, including building permit, shall be approved or issued unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 2.310.05.D or 2.310.06.P as applicable. (11/09)

Public Facilities Improvement Requirements Table

LAND USE	FIRE HYDRANT	STREET IMPROVEMENT	WATER HOOK-UP (PF-1)	SEWER HOOK-UP (PF-6)	STORM DRAIN (PF-7)	STREET LIGHTS (PF-8)
Single Family Dwelling, ~~Duplex,~~ <u>Triplex,</u> <u>Quadplex,</u> <u>Townhouse,</u> <u>Cottage</u> <u>Cluster</u>	No (unless required by U.F.C.)	PF-3	Yes	Yes	Yes	No
Multi- Family Dwellings	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
New Public, Commercial or Industrial	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
Public, Commercial or Industrial Expansion	PF-2	PF-5	Yes	Yes	Yes	Yes
Partition, Subdivision, PUD, MHP	PF-2	PF-4 and PF-5	Yes	Yes	Yes	Yes

Footnotes to Public Facilities Improvement Requirements Table

Legend: No = Not required Yes = Required

PF – Public Facility

PF-1 An approved potable water supply capable of supplying both domestic water supply and also meeting the required fire flow for fire protection shall be provided prior to the start of combustible construction. (11/09)

PF-2. Fire Hydrants shall meet the requirements as set forth in the Uniform Fire Code. (11/09)

PF-3. Street Improvements for Single Family Dwellings, ~~duplexes, triplexes, quadplexes, townhouses, and cottage clusters~~: New single family dwellings, ~~duplexes, triplexes, quadplexes, townhouses, or cottage clusters~~ that require a street extension must provide street improvements, and right of way dedication where deemed necessary by the Department of Public Works. Street improvements are required when the improvement will extend an existing street improvement adjacent to the property. The improvements that must be extended when they exist include street lanes to the same width as on adjacent property, curbs, gutters, storm drainage, and sidewalk. In all cases the improvements shall be done to Department of Public Works standards. (11/09)

PF-4. As specified in Section 2.310. (11/09)

PF-5. If a Traffic Impact Analysis (TIA) is required pursuant to Section 2.301.04 the City will require improvement (s) as recommended in such TIA, in addition to those specified in the Public Facilities Improvement Requirements Table as set above. (11/09)

PF-6 Connection to municipal sanitary sewer system shall be required unless property is within a zone district which allows the option of using an on-site septic system. (11/09)

PF-7 New developments and expansion shall connect into an approved storm drainage system or shall provide on-site storm drainage facilities in a system meeting city approval. (11/09)

PF-8 Generally, street lights are not required of partitions but are for subdivisions. Street lights for other developments will be required on a case by case basis. (11/09)

MFD = Multi-family dwelling (~~3-5~~ or more units)

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

2.301.04 Traffic Impact Analysis (TIA)

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study. (07/09)
- B. Typical Average Daily Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips.
- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a development application, when the following conditions apply: (11/09)
 - 1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or
 - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles

entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or

- 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements. (11/09)

1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
2. Transportation Planning Rule Compliance. See Section 3.111.05 Transportation Planning Rule Compliance.
3. Pre-application Conference. The applicant will meet with Keizer Public Works prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the proposed development is adjacent to or otherwise affects a State roadway. (6/14)

E. Approval Criteria. (11/09)

1. Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a professional engineer; and
 - b. If the proposed development shall cause one or more of the effects in Section 2.301.04.C, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
 - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

- 1) Have the least negative impact on all applicable transportation facilities; and
- 2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
- 3) Make the most efficient use of land and public facilities as practicable; and
- 4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
- 5) Otherwise comply with applicable requirements of the City of Keizer Development Code.

F. Conditions of Approval. The City may deny, approve, or approve a development proposal with appropriate conditions.

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

2.303 OFF-STREET PARKING AND LOADING

2.303.01 Purpose

The purpose of this Section is to provide standards to ensure adequate areas for the parking, maneuvering, loading and unloading of vehicles and bicycles for all land uses in the City of Keizer. (12/15)

2.303.02 Scope

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

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

2.303.03 General Provisions Off-Street Parking and Loading

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

- D. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.303.05. (5/98)
- E. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials including solid waste collection containers. Garages for single family and duplex dwelling units shall not be counted in determining required parking spaces. (5/98)
- F. Drainage. All new parking areas and expansion of existing parking areas shall provide a storm drainage system to dispose of runoff generated by the impervious surface. Provisions shall be made for the appropriate on-site collection, storage, conveyance, and treatment of drainage water. All development shall be designed and constructed to prevent sheet flow of such water onto sidewalks, public rights of way, and abutting properties. The drainage system shall be approved by Keizer Public Works Department prior to construction and shall be constructed in accordance with the city's storm water management regulations. (9/17)

2.303.04 Location and Use Provisions

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

- A. Residential Zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. Tandem parking (stacking no more than two cars end to end in a private drive way) shall be an acceptable method of meeting parking requirements. (9/17)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the use if it is within 500 feet of such site and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. (12/15)
- C. Accessory Parking Use, Non-residential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in non-residential zones. (07/06)

- D. Accessory Parking Use, Residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided: (5/98)
1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)
 2. Vehicles parked outdoors in a residential zone may be parked in a driveway, as regulated herein, and must be located within the front yard meeting the requirements for required parking in this Section. (9/17)
 3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided it complies with the provisions in Section 2.407.G. (12/11)
 4. A parking plan must be approved for all development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots.
- E. Yard Parking Restrictions. No parking of vehicles, trailers, boats, or recreational vehicles shall be allowed in a front yard except on a driveway. (12/15)
- F. Storage Restrictions. Side and rear yards may be used for storage and parking of vehicles, trailers, boats, and recreational vehicles. Storage and parking areas shall be screened by a six foot high fence, wall, or hedge. Storage and parking areas shall be either durable hard surface or gravel surface consistent with the requirements in Section 2.413 (Recreational Vehicle Storage – Single Family Homes). The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (12/15)
- G. All vehicles are subject to the regulations prohibiting illicit discharge, as governed by applicable City regulations. (9/17)

2.303.05 Joint Use

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

2.303.06 Off-Street Automobile Parking Requirements

Off-street parking shall be provided in the amount not less than listed below. (9/17)

A. Parking Requirements

LAND USE ACTIVITY	SPACES REQUIRED *Square footage = Gross floor area. (12/15) *Totals shall be rounded up to the next whole number
Single Family ~~and Duplex~~	2 per dwelling unit
<u>Duplex, Triplex, Quadplex, Townhouse, and Cottage Cluster</u>	<u>1 per dwelling</u>
Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot	3 per dwelling unit
Multi-family types	1 space per 1 bedroom unit + 1 additional space for every 10 units OR 1.5 spaces per 2 or more bedroom units + 1 additional space for every 10 units
Hotel, motel, Bed and Breakfast	1 space per guest room
Club, lodge	Combination of uses being conducted: hotel, restaurant, etc.
Hospital	1 space per 2 beds
Nursing home, convalescent home, Memory care	1 space per 3 beds
Senior living facility, assisted living facility	To be determined through review process
Health service, medical or doctor's office, non-profit shelter providing emergency housing and associate services	1 space per 350 square feet
House of worship, auditorium, stadium, theater	1 per 4 seats or every 8 feet of bench length
Park, special event	As determined through conditional use/master plan or city council review
Elementary, middle school	2 spaces per classroom – In addition, 1 space per 350 sq. ft. of administrative office

High school	1 space per classroom – In addition, 1 space per 10 students and 1 space per 350 sq. ft. of administrative office
Family Daycare provider, Day care facility	In addition to required single family parking: 1 space for up to 12 children 2 spaces for more than 12 children
Preschool, nursery	1 space per each employee plus 1 space per room
Bowling alley, skating rink, community center, recreation facility	1 space per 200 square feet
Golf Course	4 spaces per green
Tennis courts, racquetball courts	2 spaces per court
Retail store	1 space per 300 square feet
Personal Service	1 space per 350 square feet
Service repair center; retail store handling bulky merchandise (e.g. furniture, home furnishing, major equipment), home appliance, television, electronic equipment	1 space per 900 square feet
Dry cleaner	1 space per 1,000 square feet
Laundromat	1 space per 300 square feet
Bank, credit union	1 space per 400 square feet
Office used for real estate, lawyer, insurance brokers	1 space per 500 square feet
General Office (non-medical)	1 space per 500 square feet
Eating and drinking establishment	1 space per 125 square feet
Wholesale establishment	1 space per 2,000 square feet
Government offices open to the public	1 space per 500 square feet
Wireless telecommunication facility	1 space per facility
Industrial, manufacturing, processing	1 space per 1,000 square feet
Warehousing and storage terminals	1 space per 2,000 square feet

B. Parking Reduction

The number of minimum required parking spaces may be reduced by up to 10% if the site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park and ride lots, are provided or will be provided as part of the development of the site. (12/15)

C. Parking Increase

The number of minimum required parking spaces shall not be increased by more than 50% unless a property owner provides a parking demand analysis which documents that a greater amount is necessary to serve the needs of those who will use the parking facility and is accepted by the Community Development Director. (12/15)

2.303.07 Standards for Disabled Person Parking Spaces

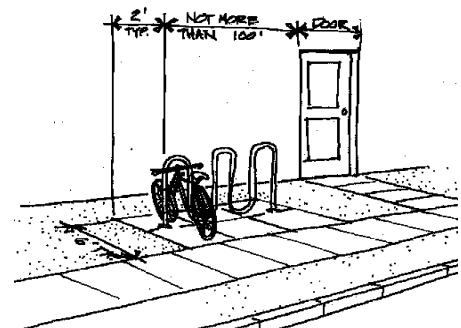
Disabled Person Parking Spaces shall comply with the requirements of the building code and ODOT standards. (5/98)

2.303.08 Bicycle Parking

A Bicycle Parking Required. Bicycle Parking shall be required in all public and semi-public, commercial, multi-family, and industrial development as well as park-and-ride lots. Bicycle parking shall be based on the amount of automobile parking required. In addition to a required one bicycle parking space, bicycle parking spaces shall be calculated at five percent of the amount of the automobile parking spaces which are required and all fractions are rounded up the next whole number. (12/15)

B. Bicycle Parking Development Requirements

1. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle. (5/98)
2. Location. All bicycle parking areas shall be within 50 feet of a building entrance and located within a well-lit area. Bicycle parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (12/15)



Bicycle Parking Standards

3. **Rack Design.** Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. Fixed objects which are intended to serve as bicycle parking facilities but which are not obviously designed for such purposes shall be clearly labeled as available for bicycle parking. (12/15)
4. **Access.** Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)

C. **Exemptions**

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

1. Seasonal or temporary businesses. (5/98)
2. Wireless telecommunication facilities, and other utilities (12/15)

2.303.09 Carpool and Vanpool Parking

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

2.303.10 Off-Street Loading Requirements

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

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

2.303.11 Parking and Loading Area Development Requirements

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

- A. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface such as asphalt, concrete, or pavers (segmented bricks). Temporary or over-flow parking areas may be allowed on a case by case basis subject to Public Works and Community Development approval to be exempt from this requirement. Over-flow is defined as being on an infrequent or occasional basis and is in addition to parking that already exists on the site. Temporary is less than two years in duration. (12/15)

- B. Parking Spaces

- 1. Dimensions. Head-in parking spaces shall be a minimum 9 feet wide and 18 feet in length. Parallel parking spaces shall be a minimum 9 feet wide and 22 feet in length. (9/17)
- 2. Compact Spaces. Compact parking spaces, at a reduced width of 8.5 feet and 16 feet in length, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space." (12/15)

- C. Aisle Dimensions.

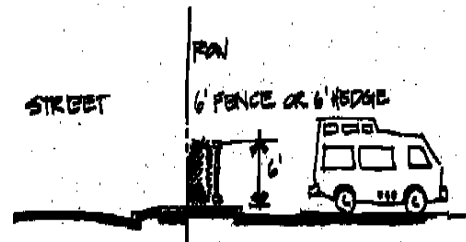
The following minimum aisle dimensions shall apply: (5/98)

- 1. Without adjacent parking (drive aisle):
 - a. Single family residence: 12 feet
 - b. One-way: 12 feet
 - c. Two-way: 22 feet

2. With adjacent parking (9/17):

PARKING ANGLE	AISLE WIDTH	
	One-way	Two-way
0 to 40	14 feet	24 feet
41 to 70	16 feet	24 feet
71 to 90	24 feet	24 feet

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

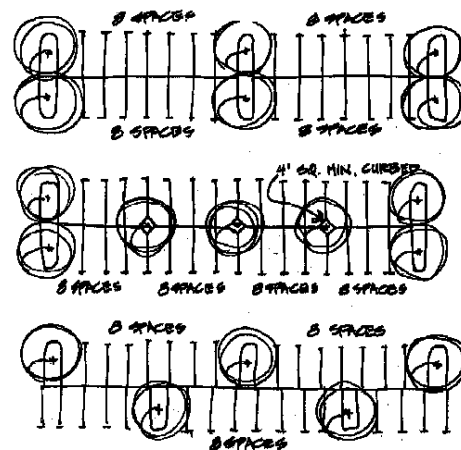


Parking Lot Screening

- E. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way, and shall provide appropriate shielding so the light source is not visible from any public right of way or adjacent residential property. (9/17)

F. Landscaping.

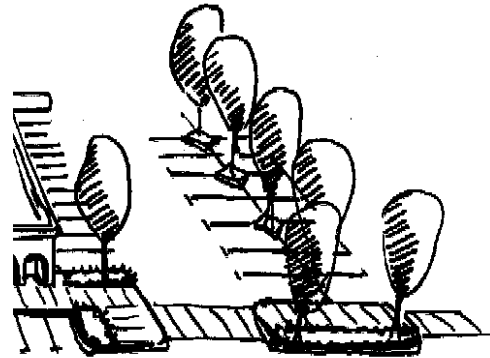
- Parking lot landscaping should be designed to provide shade, reduce storm water runoff, and direct traffic. Incorporation of approved stormwater quality facilities in landscaped areas is encouraged. (9/17/)
- One tree shall be planted for every eight lineal parking space. The planting space shall measure no less than 4 feet square and be contained by appropriate methods to ensure landscaping materials are kept in place, and vegetation is protected from vehicle maneuvering and parking areas. Trees may be planted in clusters to screen or buffer the development if approved in the Landscaping plan. (9/17)



Parking Lot Tree Siting Alternatives

3. Trees shall be of a species that the root system will not interfere with underground utilities or the parking surface, and must be capable of achieving a minimum 15 foot canopy radius.

4. All trees must be planted in proximity to proposed parking areas. At a minimum, 1/3 of the diameter of each proposed mature tree canopy shall provide shade and overlap the parking area. (9/17)



Parking Lot Landscaping

5. Trees may be planted within a storm drainage area subject to Public Works review and approval, provided the selected tree species will not adversely impact the function of the storm drainage facility.
6. Trees shall be a minimum 2" caliper at the time of planting, of a suitable species, and be healthy with no visible damage. (12/15)

- G. **Traffic Flow.** Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)
- H. **Entrance/Exits.** Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)
- I. **Bumper Rails.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. (5/98)
- J. **Existing development may redevelop a portion of existing parking areas in order to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations. The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use. (07/09)**

2.306 STORM DRAINAGE

2.306.01 Purpose

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff, and to reduce downstream flooding.
(5/98)

2.306.02 Scope

The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments (~~3~~5 or more units), commercial developments, and industrial development; and to the reconstruction or expansion of such developments. (5/98)

2.306.03 Preliminary Plan Required

Preliminary site drainage and grading plans for subject area and adjoining area within 100' of the perimeter of the subject property are required to be submitted for all developments listed in Section 2.306.02 above. Preliminary site drainage and grading plans shall consist of the following information. (2/00)

- A. Flow lines of surface water onto and off the site. (2/00)
- B. Estimates of existing runoff patterns from subject property onto adjacent properties, and estimates of existing runoff from adjacent properties onto subject property. (2/00)
- C. Existing contours at 1-foot intervals. (2/00)
- D. Existing and proposed drainage channels, including drainage swales, ditches, berms and proposed storm drains. Connections to existing system should be identified. (2/00)
- E. Location of storm drain detention facilities. (2/00)
- F. The City Engineer shall have the flexibility to make changes to the preliminary plan at the time of final detailed plan approval. (2/00)

2.306.04 Plan for Storm Drainage and Erosion Control

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and, approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality

of surface water on adjacent property, or may impact any permanent natural body of water. This detailed plan shall contain the following information: (2/00)

- A. Elevations. Proposed finished lot corner and finished street elevations.(2/00)
- B. Proposed contours of finished grade in 1-foot intervals or less if required by the City Engineer.(2/00)
- C. Run-off. The methods to be used to minimize the amount of runoff other than into an approved point of discharge, siltation, and pollution created from the development both during and after construction. (2/00)
- D. Facilities. Plans for the construction of storm sewers, open drainage channels and other facilities which depict line sizes, profiles, construction specifications and other such information as is necessary for the City to review the adequacy of the storm drainage plans. (2/00)
- E. Engineering Calculations. Calculations used by the engineer in sizing storm drainage facilities. (2/00)

2.306.05 General Standards

- A. Requirements. All development shall be planned, designed, constructed and maintained to: (2/00)
 - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent; (5/98)
 - 2. Protect development from flood hazards; (5/98)
 - 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin; (5/98)
 - 4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading; (5/98)
 - 5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development; (5/98)
 - 6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems; (5/98)
 - 7. Avoid placement of surface detention or retention facilities in road rights-of-way. (5/98)

- B. Culverts. Where culverts cannot provide sufficient capacity with out significant environmental degradation, the City may require the watercourse to be bridged or spanned. (5/98)
- C. Easements. In the event any part of a development is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This shall not imply maintenance by the City. (5/98)
- D. Channel Obstructions. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized. (5/98)
- E. Prior to release of the improvement agreement, the developer shall certify that the site is built according to the submitted site drainage and grading plan. The developer shall provide certified elevations to the City. (2/00)
- F. For partitions and other developments not requiring an improvement agreement, any site grading and drainage requirements shall be completed and approved prior to issuance of any building permits. (2/00)
- G. Inspection Required. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be inspected by the City. All costs shall be borne by the developer. (2/00)
- H. Building Permit Approval/Conformance with Approved Drainage and Grading Plan. (2/00)
 - 1. For all development with an existing approved drainage and grading plan each building permit application submitted to the City for approval shall contain existing and proposed elevations for all property corners, and the existing curb or edge of pavement elevations adjacent to the subject property. The existing curb and edge of pavement information will be made available at the City. In addition, the building permit shall also indicate proposed top of stem wall elevation, and flow of drainage for entire lot. If alternative drainage methods are needed, they must be noted and have prior approval by the City. The City shall verify each building permit application for conformance with the approved site drainage and grading plan. (2/00)
 - 2. Prior to granting footing inspection approval, the City shall confirm that the top of stem wall elevations conforms to the approved building permit. (2/00)
 - 3. Prior to granting final inspection approval, the City of Keizer shall confirm that the lot is built in accordance with the approved building permit. (2/00)

2.306.06 Drainage Requirements

All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel. Receiving waters, including underground storm drainage systems, shall have adequate capacity to carry necessary flow without overflowing or causing damage to public property or welfare. The cost for the approved system shall be wholly borne by the developer, including any off site system that is required.

2.306.07 Design Criteria

Design calculations performed and stamped by a Civil Engineer registered in the State of Oregon shall be included with all plan submittals. Peak design flows may be calculated using the Rational Formula, $Q = CiA$ for basins under 10 acres. The King County Method, TR-20, or other approved methods may be used for basins larger than 10 acres.

B. Design Rainfall Event

The following guidelines shall apply for selecting a design rainfall event. Design rainfall events shall be the 5, 10, 25, 50, and 100 year events. Analyses shall be provided showing no increase in runoff for all storm events up to, and including, the design frequency event.

Development Type	Frequency
Residential and commercial development	10 year
Critical facilities, sag inlets, and minor drainage ways	25 year
Critical drainage basins (As determined by the City Engineer)	100 year
Major drainage ways or waterways having a delineated floodplain boundary as shown on the FIRM.	100 Year
Drainage ways or waterways not having a delineated Floodplain boundary on the FIRM. (These shall be delineated by the Developer's Engineer and included in the final PLAT)	100 Year

C. Rainfall Intensity Duration Frequency Curve

For developments less than 20 acres using the Rational Method, rainfall intensities shall be taken from the ODOT Zone 7 Intensity-Duration-Frequency (IDF) Curves.

Runoff Coefficients

LAND USE	SLOPE		
	<u>2% or Less</u>	<u>2% to 7%</u>	<u>7% or More</u>
Unimproved Areas	.10	.20	.30
Meadows & Pasture Land	.25	.30	.35
Woodland & Forests	.10	.15	.20
Impervious Surfaces (Pavement, Roofs, Driveways, Gravel, etc)	.92	.92	.92
Agricultural	.15	.20	.25
Parks & Cemeteries	.15	.20	.25
Lawns	.17	.22	.35
Playgrounds	.20	.25	.30
Low Density Residential (1 to 3 units per acre)	.45	.50	.55
Medium Density Residential (3 to 6 units per acre)	.55	.60	.65
High Density Residential (6 to 15 units per acre)	.75	.80	.85
Commercial & City Business Areas	.85	.85	.85
Light Industrial	.65	.70	.80
Heavy Industrial	.75	.80	.90
Parks and Open Spaces	.10	.15	.20
Mobile Home Parks	.60	.65	.70

D. Time of Concentration

1. Time of Concentration shall be calculated using the Soil Conservation Service Method or other approved method.
2. After a maximum of 300-feet, sheet flow typically becomes shallow concentrated flow. Open channel flow is assumed to begin where surveyed cross-section information has been obtained where channels are visible on aerial photographs, or where blue lines (indicating streams) appear on United States Geological Survey (USGS) quadrangle sheets.

E. Runoff Control

1. Development of areas within the City of Keizer must provide runoff controls to limit the developed condition's peak rates of runoff to the pre-development runoff rate. Detention is the collection and temporary storage of surface water with the outflow rate restricted usually to the pre-developed flow rate. Required detention storage is equal to the difference in volume of excess runoff from the design storm event with post-development conditions and the 5 year storm with pre-development conditions.
2. Detention is required for all developments, except where determined unnecessary by the City Engineer.
3. Control orifices and structures shall be sized using approved engineering methods. To prevent plugging, the minimum diameter of the orifice shall be 2-inches. The detention facility shall have an overflow system with the capacity to past the 50-year storm event to an accessible drainage feature.
4. Detention shall be supplied either by subsurface storage in conduits and structures, or a pond. Temporary parking lot ponding may be utilized as storage volume with approval of the City Engineer.

F. Hydraulic Considerations

1. The minimum design velocity for storm drainage conduits shall be 3.0 fps. Pipe slopes of 15% or greater will require anchor walls at approved intervals. Manning's "n" value of 0.013 shall be used for flow and velocity calculations. Manning's equation shall be used for design of piped systems where practicable.
2. When pipe depths exceed 10-feet, calculations for pipe loading and strength shall be submitted.
3. Subsurface utilities crossing private property shall have a minimum easement width of 10 feet.

G. Storm Water Quality

Point source water quality facilities shall be provided where required by the Department of Public Works. Catch basins shall be outfitted with approved "turndowns" and sumps for oil/water separation and sedimentation control. Storm water quality manholes shall be installed in all proposed storm drains out letting into existing drainage facilities.

H. Manholes

Manholes are required at:

1. All changes in horizontal or vertical alignment greater than 15 degrees.
2. All connections and changes in pipe size.
3. At a maximum spacing of 500-feet.

I. Inlets and Catch Basins

1. Inlets must be placed at all low points in streets, at intersections, at points where changes in the street configuration will direct flow across the street and at intervals on continuous grades that will limit the width of flow in the gutter to 5-feet.
2. Minimum lateral diameter for connection to an inlet or catch basin shall be 10-inches. Minimum inlet lead slopes shall be 2%.
3. Water from all low areas must be collected and conveyed to the storm drainage system. Quantity of gutter flow is determined using the Rational Method. Inlet design flows shall exceed gutter design flows.
4. Water quality provisions shall be installed in all catch basins or manholes as directed by the Department of Public Works.

J. Culverts

Culvert design shall be performed using the Federal Highway Administration (FHWA) publication Hydraulic Design of Highway Culverts (Reference No. 10). Other methods may be used with approval of the City Engineer.

K. Perimeter Drainage

1. Construction drawings shall include an approved "Grading and Drainage Plan" showing the location of perimeter drainage facilities and private drainage easements that will control runoff to and from project sites.
2. Grading and Drainage Plans shall identify control for Finished Floor Elevations, and shall be enforced in conjunction with Building Permits issued by the City of Keizer.

L. Erosion and Pollution Control:

Adequate erosion and pollution control facilities shall be installed in conjunction with construction projects. Developments shall be required to obtain an NPDES 1200-C erosion control permit from the Department of Environmental Quality in accordance to their standards.

An erosion control plan will be required to be submitted to the City Department

of Public Works for developments greater than one acre.

2.308 SIGNS

2.308.01 Purpose

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

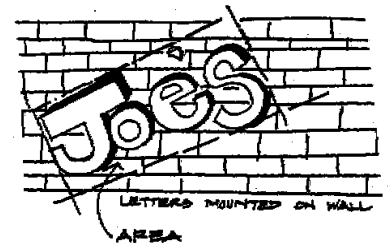
These regulations are not intended to and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in these regulations that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. To the extent any provision of these regulations is ambiguous, the term shall be interpreted to not regulate on the basis of speech content. (9/18)

2.308.02 Definitions

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

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

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a standard geometric figure or combination of no more than two (2) connected standard geometric figures (e.g., rectangle, circle, parallelogram, triangle) of the smallest size sufficient to cover the entire message of the sign and computing the area of the sum of the geometric figures. For the purpose of computing the number of signs, all writing included within such geographic figure or two (2) connected geographic figures 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. (9/18)



Sign Area

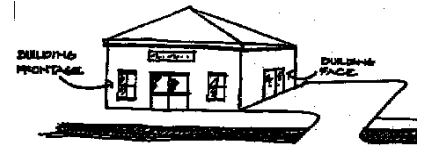
Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)



Awning Sign

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

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



Building Frontage and Face

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

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



Canopy Sign

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

Electronic Message Sign: Signs that incorporate as part of, or wholly, an electronic message or display by means of light emitting diodes, plasma, electronic ink, or other means that allow that display to be changed through electronic controls. (9/18)

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

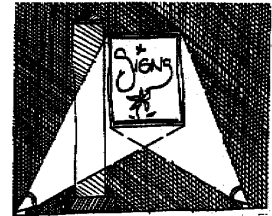
Flashing Sign: A sign any part of which pulsates, scrolls, flutters, animates, lights intermittently, or blinks on and off. (10/08)



Free-Standing Sign

Free-Standing Sign: A permanent 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, the structure of which will not be calculated as part of the overall sign area. (see "Area") (9/18)

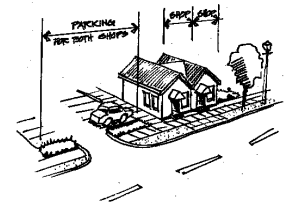
Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

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

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



Integrated Business Center

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

Multi-faced Sign: A sign which has two or more identical size sign faces, contained in a single sign structure. (9/18)

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

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

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



Multi-Faced Sign

Nonconforming Sign: Any sign which lawfully existed prior to May 7, 1990 but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (9/18)

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

Portable Sign: A sign that is, or similar to, an A-frame sign, sandwich board sign, yard sign, wind feather or feather flag, or a sign attached to wood or metal frames and designed to be self-supporting and movable. Wind feathers or feather flags may be placed on a stand or placed in the ground. Portable signs are not to be considered temporary signs as defined and used in this chapter. (9/18)

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

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

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

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

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol, logo 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. (9/18)

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

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

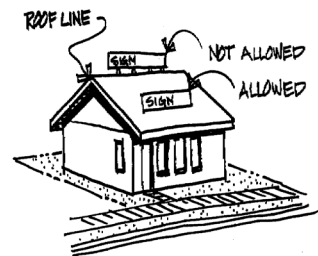
Sign Structure: The supports, uprights, braces, framework and other structural components of the sign. (5/98)



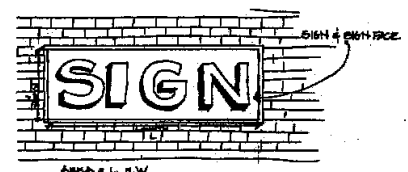
– Portable Signs



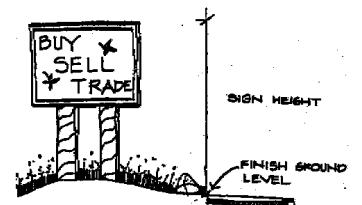
Projecting Sign



Roof Line and Roof Sign

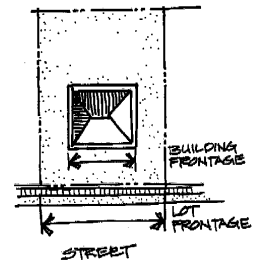


Sign Face



Sign Height

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



Street Frontage

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

Temporary Sign. A sign that is, or is similar to, a banner and is attached, but not permanently affixed to a building, and which may be made of canvas, cloth, rigid plastic, paper, vinyl, or other lightweight flexible material. (9/18)



Temporary Sign

Wall Sign: A permanent sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign. (9/18)



Wall Sign

2.308.03 Review Procedures

- A. **Permit Required.** Except as specifically excluded herein, no property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid permit to do so. (5/98)
- B. **Permit Fees.** Permit fees shall be established from time to time by City Council resolution. (5/98)
- C. **Application Requirements.** An application for a sign permit shall be made on a form prescribed by the Zoning Administrator. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. (5/98)

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

- D. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards: (5/98)
1. Compliance with Building Codes. All signs shall comply with the applicable provisions of the Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements. (9/18)
 2. Materials. Except for banners, flags, portable signs, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. (9/18)
 3. Maintenance. All signs shall be maintained in a good structural condition and readable at all times. (5/98)
 4. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs. (5/98)
 5. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards. (12/10)

2.308.04 Nonconforming Signs

- A. Any sign not complying with these regulations is prohibited and constitutes a violation. (9/18)
- B. Permits for Properties with Nonconforming Signs. (5/98)
1. Businesses in Integrated Business Centers. For individual businesses in integrated business centers, all signs of the individual business must comply prior to issuance of sign permits for new or altered signs for such business. No free-standing sign permits will be issued for the integrated business center, unless all free-standing signs comply. (9/18)
 2. Businesses Not in Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations. (9/18)
- C. Electronic Message Signs which are legally placed and maintained in all respects on or before October 6, 2008 shall be allowed to remain as non-conforming signs and do not have to be brought into compliance. However, once a non-conforming Electronic Message Sign is removed, any replacement sign must comply in all respects with these regulations. (10/08)

- D. **Abandoned Signs.** All signs for a business shall be removed within 120 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation. (9/18)

2.308.05 Signs Generally Permitted

Subject to the limitations in Sections 2.308.07 and 2.308.08, the following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area: (9/18)

- A. **Sign Copy.** Painting, change of sign face or copy and maintenance of signs. (9/18)
- B. **Temporary Signs.** Temporary signs that do not exceed 16 square feet in area may be displayed for a maximum of 120 days in any calendar year. Only one temporary sign per storefront or residential structure may be displayed at a time except during the period 45 days preceding and seven days following governmental elections during which time temporary signs may be unlimited in number. Paper signs may only be used for single day events. (9/18)
- C. **Property Signs.** For commercial properties only, one (1) sign per parcel or integrated business center not exceeding 32 square feet in area during the time of sale, lease or rental of the property provided that the sign is placed on the property for sale, lease, or rent and removed within fifteen (15) days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area during the time of construction and remodeling of the property, provided the sign is placed on the property where construction and remodeling is taking place and removed within seven (7) days of the completion of any construction or remodeling. An additional sign not exceeding 32 square feet may be erected if the property borders a second street and the signs are not visible simultaneously. (9/18)
- D. **Government Signs.** Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency, city identification, signs related to public services or safety. (9/18)
- E. **Development Signs.** One sign not over 32 square feet located at each street entrance to a residential subdivision or residential development. (9/18)
- F. **Incidental.** Incidental signs that do not exceed 6 square feet. Such signs shall not be mounted on permitted freestanding sign structures. (5/98)
- G. **Flags.** Flags on permanent flag poles that are designed to allow raising and lowering of the flags. Flagpoles shall either be freestanding or shall be mounted on the building but if mounted on the building may not be taller than the peak of the roof. Flags shall not exceed 25 square feet in area. (5/98)

- H. Interior Signs. Signs within a building. (5/98)
- I. Window Signs. For commercial or industrial buildings, signs painted or hung on the inside of windows, or otherwise affixed (such as window clings) to the surface of a window with its message intended to be visible to the exterior environment. (9/18)
- J. Residential Signs. Residential signs, pursuant to requirements in Section 2.308.07. (5/98)
- K. Portable Signs. Portable signs are limited to 6 square feet in area, with the exception that wind feather/feather flag signs may be up to 16 square feet in area. One portable sign per storefront or residential structure is allowed except during the period 45 days preceding and seven days following governmental elections, during which time portable signs may be unlimited in number. The following additional standards apply to portable signs: (9/18)
 - 1. Portable signs may not be within 25 feet of any other portable sign on the same lot or less than 5 feet from a side lot line. (9/18)
 - 2. Portable signs must be located on private property, and may not be within any public sidewalk easement or right of way. If located along a public street, signs must be located behind the sidewalk regardless of property line location. (12/10)
 - 3. Portable signs cannot impede sidewalks, exits, or other pedestrian, vehicular, or bicycle way. (12/10)

2.308.06 Prohibited Signs

The following signs are prohibited, and are subject to immediate code enforcement action including but not limited to the issuance of citations and/or confiscation under the Keizer Uniform Nuisance Abatement Ordinance: (9/18)

- A. Tethered Signs. Balloons or similar types of tethered objects, including strings of pennants. (5/98)
- B. Roof Signs. Roof signs or signs which extend higher than the roof line. (5/98)
- C. Odor, Visible Matter. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed. (5/98)
- D. Wire Supports. Signs that use or employ side guy lines of any type. (5/98)
- E. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)

- F. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)
- G. Vehicle, Trailer Signs. No vehicle, trailer, or trailer mounted reader boards shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising. (12/10)
- H. Rotating/revolving Signs. (10/08)
- I. Flashing Signs. (10/08)
- J. Projecting Signs. Projecting signs exceeding 24 inches and private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is 8 feet or more above the sidewalk. (9/18)
- K. View Obstruction. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard. (5/98)
- L. Safety Interference. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light. (5/98)
- M. Signs in the public right of way/Use of Utility Poles. Except for government signs under Section 2.308.05(D), signs located in public right-of-way, in any public or utility easement or attached to any utility poles. Signs located in such areas are subject to immediate removal without notice. (9/18)
- N. Vacant Land. Any sign on unimproved property, unless allowed as a temporary or portable sign. (9/18)
- O. Electronic Message Signs. Electronic message signs except by conditional use permit. Electronic message signs that change more frequently than once per fifteen (15) seconds are prohibited. Further, any change made with the use of scrolling, flashing, fluttering or other animated effects is prohibited. Variances to any of these requirements are not allowed. (9/18)
- P. Temporary or Portable signs exceeding the allowed size or timeframes for display are prohibited, unless authorized by Special Occasion Permit approval as outlined in Section 2.308.08.E. (9/18)

2.308.07 Non-Commercial Uses

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

- A. Sign types. The following sign types are allowed: (5/98)
 - 1. Wall, canopy and window signs subject to the limitations in 2.308.07.C. (5/98)
 - 2. Free-standing signs subject to the limitations in 2.308.07.C. (5/98)
 - 3. Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance. (5/98)
- B. Maximum number. Any number of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.308.07.A.3. (9/18)
- C. Maximum Sign Area. Maximum total sign area for property on which the building or buildings are located: (5/98)
 - 1. Single-family and two-family (duplex) dwelling: 6 square feet. (5/98)
 - 2. Multiple family dwelling: 32 square feet. (5/98)
 - 3. Public and semi-public: 64 square feet. (5/98)
- D. Maximum sign height:
 - 1. Wall, canopy or window sign: 8 feet. (5/98)
 - 2. Free-standing sign: 6 feet. (5/98)
- E. Location: (5/98)
 - 1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet. (5/98)
 - 2. Free-standing signs are permitted where fences are allowed. (5/98)

- F. Illumination. Except for Electronic Message Signs, non-commercial use signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare. (9/18)

2.308.08 Commercial and Industrial Uses

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

A. Non-integrated Business Centers:

1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet, except that awnings shall be allowed 50% of awning area be exempt from this limit. (9/18)
2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (9/18)
3. Type, maximum number and size of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs. Regardless of total allowed area, the free-standing signs shall be limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which they front. (9/18)
4. Maximum sign height: (5/98)
 - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
 - b. Free-standing signs: 20 feet. (5/98)
5. Location: (5/98)
 - a. Wall or projecting signs may project up to 2 feet away from the building. (9/18)
 - b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)

B. Integrated Business Centers:

1. Allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business, except that awnings shall be allowed 50% of awning area be exempt from this limit. The sign area of a projecting sign shall be calculated as a free-standing sign. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C. (9/18)
2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (11/05)
3. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet each in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front. (9/18)
4. Maximum sign height: (5/98)
 - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
 - b. Free-standing signs: 20 feet. (5/98)
5. Location:
 - a. Wall or projecting signs may be located on any face of the building, except as provided in 2.308.08.B.4.b, and may project up to 2 feet away from the building. (9/18)
 - b. Wall signage located on a Secondary Building Frontage shall be limited to only one sign, limited in size as provided in 2.308.08.A.2. In no case may any signage derived on the primary building frontage be located on the secondary building frontage. (11/05)
 - c. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)

- C. Mixed Use Developments. Signs for developments containing a mixture of commercial and residential uses shall be subject to the following restrictions: (5/98)
1. Non-commercial uses shall be subject to the provisions in Section 2.308.07. (5/98)
 2. Commercial-industrial uses shall be subject to the provisions for integrated business centers in Section 2.308.8.B. (5/98)
 3. Free-standing signs shall be subject to the provisions in Section 2.308.08.B.3. (9/18)
- D. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs. (5/98)
1. Secondary Entrance. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance. (5/98)
 2. Vehicle Directional Signs. Vehicle Directional signs are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing signs shall be limited to a height of 6 feet. (9/18)
 3. Drive Through Signs. Signs located adjacent to a drive-through lane at a restaurant are allowed as follows: one per drive through lane limited to 40 square feet in area and a maximum height of 8 feet. Any sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge. (9/18)
- E. Signs for Temporary Businesses/Special Occasions. (9/18)
1. Signs For Temporary Businesses. Temporary businesses receiving temporary business permit approval, may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary business signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way. (9/18)
 2. Signs For Special Occasions. The placement of multiple and/or oversized temporary or portable signs is only allowed subject to permit approval. A Special Occasion Sign Permit may be granted for the following situations:

Any combination of temporary or portable sign types, regardless of size and quantity, are allowed for a maximum of 14 consecutive calendar days. A

maximum of 2 Special Occasion Sign permits may be issued for any given address in a calendar year, with no less than 30 days between events. (9/18)

F. Signs for Mobile Food Vendors

1. In addition to the signs allowed in Section 2.308.08(F)(2) below, Mobile Food Vendors shall be limited to 6 square feet of signage which can be displayed only during hours of operation and shall comply with the provisions within Section 2.308.05.K. (9/18)
2. Signs painted upon or affixed directly to the Mobile Food Vendors are exempt from the Sign Code provisions, provided that no sign may protrude from or project above the roofline of the unit. All other signage must comply with the remaining provisions of Section 2.308. (7/17)
3. Property on which two or more Mobile Food Vendors are located shall comply with the remaining provisions within the Sign Code. (9/16)

G. Special Commercial Signs

1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.308.07. (9/18)
2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.308.07. (9/18)
3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.308.07. (9/18)
4. Signs for stadiums in the IBP Zone. Notwithstanding any other regulations in this Chapter, in the IBP zone for stadiums with seating for not less than 4,000 persons, the following shall apply: (11/05)
 - a. Total allowed area. 760 square feet. (11/05)
 - b. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign, and a total of no more than two (2) wall or canopy signs. Regardless of the total allowed area, the free standing sign shall be limited to a maximum of 680 square feet. (11/05)
 - c. Maximum sign height: (11/05)
 1. Wall and canopy signs – shall not project above the parapet or roof eaves. (11/05)
 2. Free standing sign – maximum total height of fifty (50) feet. (11/05)

d. Location:

1. Wall signs – may project up to 1.5 feet from the building. (11/05)
2. Free standing sign – no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (11/05)

2.308.09 Conditional Uses

- A. Procedures. Applications for conditional use permits for illumination of non-commercial use signs, or electronic message signs shall be processed according to the procedure set forth in Section 3.103 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings for illumination of non-commercial use signs or electronic message signs are set forth in this Section. The criteria of Section 3.103 shall not be applied. (9/18)
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for the illumination of non-commercial use and electronic message signs: (9/18)
 1. The proposed sign is located in an EG, P, IBP, CR, CO, MU, CM or a CG zone, or the proposed sign is for a public or semi-public use regardless of the underlying zone. (9/18)
 2. The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) lead to signs that adversely dominate the visual image of the area. (9/18)
 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. Electronic Message Signs that are proposed to be located adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Electronic Message Signs proposed for a public or semi-public use adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM. (9/18)
 4. The proposed sign will not present a traffic or safety hazard. (5/98)
 5. If the application is for the illumination of non-commercial use or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. (9/18)

Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than fifteen (15) seconds. Further, the level of illumination must be limited in the following ways: (9/18)

- a. An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or low-voltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.
- b. No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between sunrise and sunset; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:
 - 1. For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between sunrise and sunset;
 - 2. For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between sunrise and sunset;
 - 3. For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between sunrise and sunset. (10/08)
- 6. The total allowed sign area shall be reduced by 25% if the application is for an electronic message sign. (9/18)
- 7. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions. (5/98)

2.308.10 Variances

- A. Procedure. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to this Section will be processed according to the procedures in Section 3.202.02 as a Type I-B procedure. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (9/18)
 - 1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
 - a. The existing sign regulations create an undue hardship; (5/98)
 - b. The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and

- c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. (5/98)
- 2. The granting of the variance shall not: (5/98)
 - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)
 - b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)
 - c. Be the result of a self-imposed condition or hardship. (5/98)

2.308.11 Exemptions

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

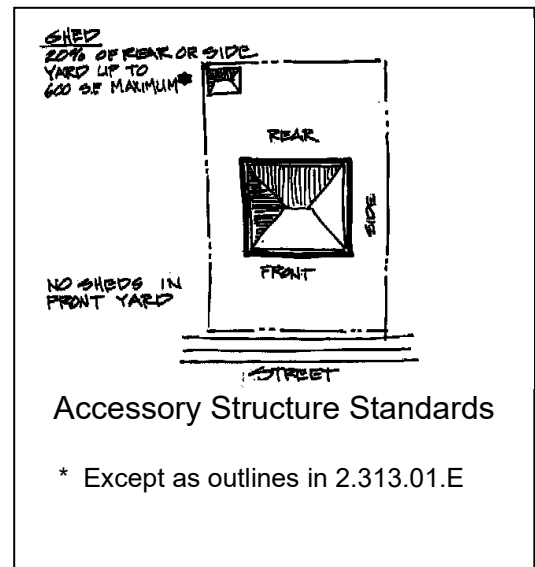
- A. Public Art as defined by City Ordinance or Resolution. (3/14)

2.313 ACCESSORY STRUCTURES AND USES

2.313.01 Single Family, ~~and Duplex~~, Triplex and Quadplex

Accessory structures are considered secondary to the primary use occurring on the property and require that the primary use be located on the same parcel as the accessory structure. Accessory Dwelling Units are not to be considered as an accessory structure for purposes of this section. For single family ~~residential~~ and duplex, triplex and quadplex uses on an individual lot, the following standards apply: (3/21)

- A. Location and Number. Accessory structures shall be located within the rear or side yard. A maximum number of two accessory structures are permitted. (1/07)
- B. Height. The maximum allowable building height is 24 feet, except that the accessory structure shall not exceed the height of the primary building. (3/21)
- C. Property Setbacks. Setbacks shall be applied to each face of the building according to its wall height. Wall height shall be measured from finish grade to the top of the wall. Gabled ends shall be measured from finish grade to the peak of the gable. An accessory structure 8 feet or less in wall height may be located at the property line provided it is constructed consistent with building and fire code regulations. For each 1-foot increase in the wall height above 8 feet, the setback shall increase 1 additional foot. Wall height shall be rounded up in 1-foot increments. The minimum setback adjacent to an alley shall be 1-foot regardless of whether or not there is additional setback to a property line. For yards adjacent to a street, in no case may the setback be less than that required of a fence. (3/21)
- D. Building Separation. An accessory structure shall be separated from the primary building by a minimum of 6 feet. An accessory structure that is less than 6 feet from the primary structure, or is connected to the primary structure by a breezeway or fully enclosed walkway which is architecturally compatible with the architecture of the primary structure, will be subject to the setback requirements of the primary structure. However, the requirements governing height, size, lot coverage and exterior finish will still apply. Structures that are fully attached to the primary dwelling by a common wall of at least 10 feet in length, or habitable space shall be considered an addition to the primary dwelling, and not regulated



as an accessory structure. Such additions must be constructed of material compatible with the primary dwelling. (3/21)

- E. Building Size and Lot Coverage. The accessory structure shall be limited to a maximum ground floor area of 600 square feet. If no garage exists on the property and the new accessory structure is proposed to accommodate a vehicle it may be 750 square feet in size. Additionally, in no case shall the accessory structure occupy more than 20% of the entire rear or side yard. The building size limitation shall be considered the maximum allowable area permitted for the sum of all accessory structures on the property. (3/21)
- F. Exterior Finish. Accessory structures greater than 200 square feet in area shall be constructed of material generally compatible with the existing residential structure. For example, wood, stone, brick, and vinyl/resin/metal made to look like wood siding is allowed. Membrane structures over 200 square feet are prohibited. (3/21)
- G. Prohibited materials. Unmodified shipping containers, tarps, and other material not intended for long-term exposure to the elements are not considered to be accessory structures and are prohibited. (3/21)

2.313.02 Multi-Family, Commercial, Industrial Structures

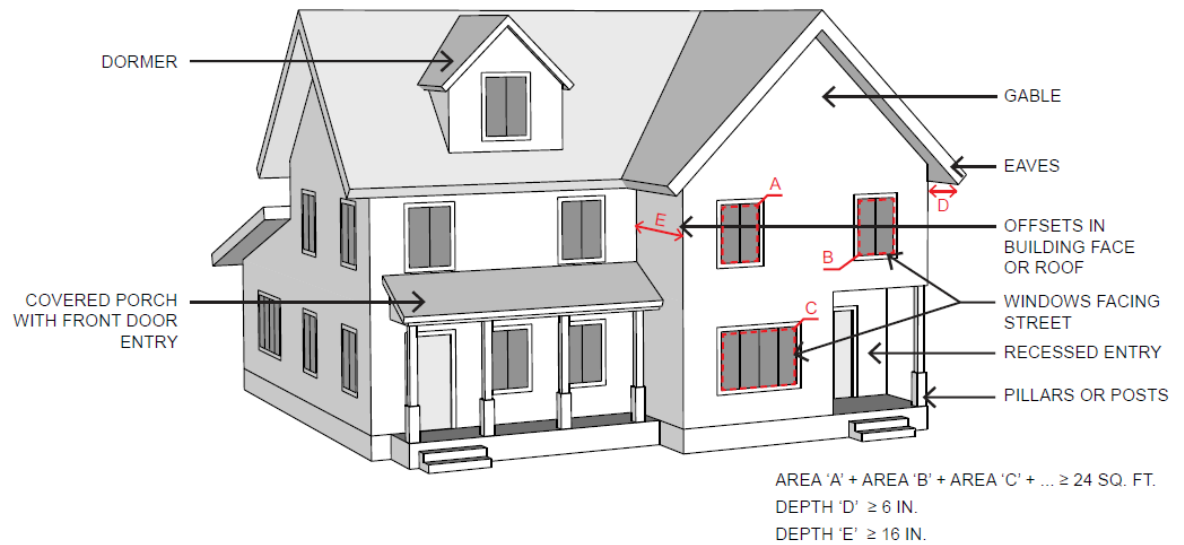
For multi-family, public, semi-public, commercial and industrial uses: (5/98)

- A. Location and Number. Accessory structures may be located within any yard area. There is no limit to the number of permitted accessory structures. (1/16)
- B. Height. The accessory structure shall comply with the height limitations of the underlying zone. (5/98)
- C. Property Setbacks. Accessory structures shall comply with the setbacks for the primary building in the underlying zone. (5/98)
- D. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of 10 feet. (5/98)
- E. Building Size and Lot Coverage. There is no limit to the size of the accessory structure provided the structure and all buildings on the property comply with the lot coverage limitations of the underlying zone. (5/98)

2.314 STANDARDS FOR SINGLE FAMILY DWELLINGS, DUPLEXES, TRIPLEXES, QUADPLEXES, COTTAGE CLUSTERS, AND TOWNHOUSES

The following standards will be applied to all single family dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, RM, MU or UT zones. (10/15)

- A. All single family homes, duplexes, triplexes, quadplexes, and townhouses shall have at least one ~~their~~ primary building façades or entrance oriented towards the front lot line or the street of the lot, and Single-family homes, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall incorporate at least five of the following design features to provide visual relief along the front of the home: (10/15)
1. Dormers; (5/98)
 2. Gables; (5/98)
 3. Recessed entry; (10/15)
 4. Covered porch with front door entry facing the front lot line; (10/15)
 5. Cupolas; (5/98)
 6. Pillars or posts; (5/98)
 7. Bay or bow windows or window shutters; (10/15)
 8. Eaves (minimum 6" projection); (5/98)
 9. Off-sets on building face or roof (minimum 16") (5/98)
 10. Window(s) facing the street or access easement have a minimum area of not less than 24 square feet. (10/15)
 11. A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding, shakes, etc) (10/15)



- B. Garages and carports. When garages and carports are provided they shall meet the following: (10/15)
1. Garage doors and carport openings facing the street shall not account for more than 50% of the dwelling façade that faces the street. (10/15)
 2. Garage doors on lots less than 8,000 square feet must be recessed from the front plane of the house at least 5 feet or mitigated with additional design features as set forth below. These are in addition to the features required in Section 2.314(A) above: (10/15)

- a. If garage door is even with or recessed less than 5 feet from the front building plane then **one** additional design feature from the design feature listed below is required. (10/15)
- b. If garage door protrudes 5 feet or less from the front building plane then **two** additional design features from the design feature listed below is required. (10/15)
- c. If garage door protrudes more than 5 feet from the front building plane then **three** additional design features from the design feature listed below is required. (10/15)

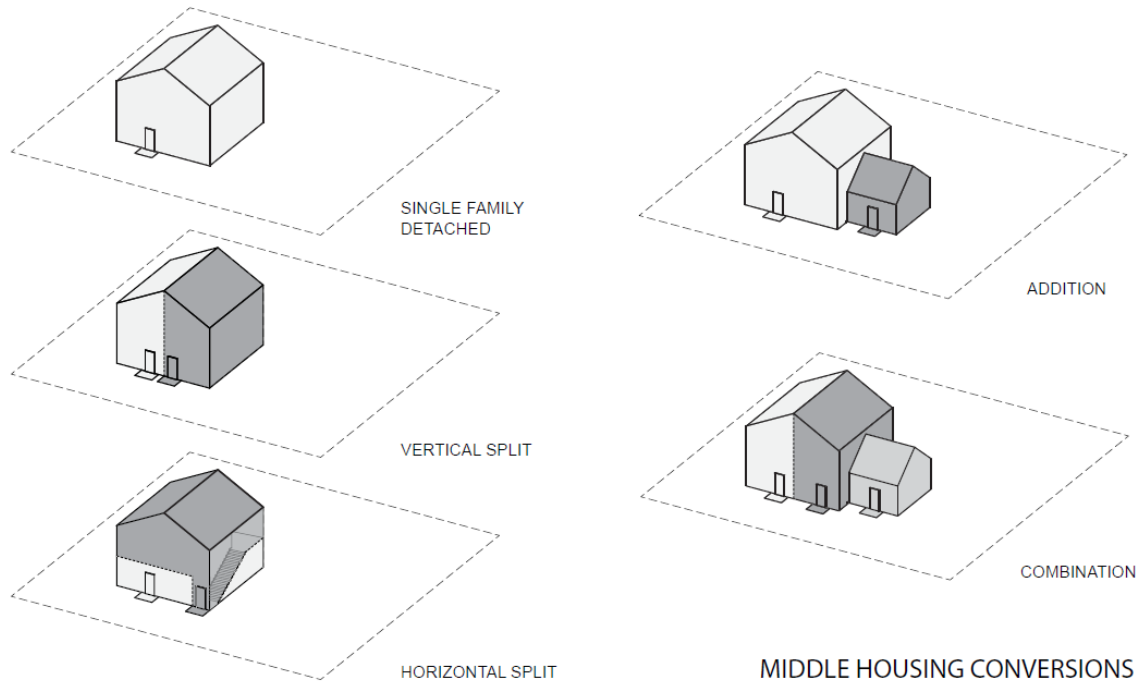
DESIGN FEATURE (GARAGES AND CARPORTS)

- Trellis in front of the garage. (10/15)
- Projections (such as pillars, posts, stonework, brick work) over, or at each side of the garage doors. Projections shall be a minimum of 8 inches in depth. (10/15)
- Additional gables including one above the garage. (10/15)
- Windows in garage door. (10/15)
- Decorative garage doors which incorporate architectural design elements such as stable doors etc. (10/15)
- Landscaping which includes a variety of trees and other planting materials to visually mitigate the garage, which is in addition to required landscaping. (10/15)
- Added architectural feature(s) using materials, textures, and / or design features in the plane of the garage. (10/15)
- Decorative hardscape features which may be either horizontal and / or vertical and includes a variety of materials and textures such as stamped concrete, pavers, bricks, columns, significant ornamental rocks, etc. (10/15)

C. Middle housing conversions. A conversion from a single-family home to a duplex, triplex, quadplex, or cottage cluster is allowed. The following requirements and standards apply:

1. The converted housing type is a permitted use in the underlying zone.
2. With the exception of minimum parking requirements, the conversion of the existing single family home does not create or increase nonconformance with applicable development and design standards.

3. The conversion is exempt from additional design requirements and public facility improvements.
4. The conversion is subject to the City's building permit review and approval process.



2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. “Standards” only include the development standards referred to in this Section. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this Development Code shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (12/18)

2.315.02 Applicability

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant Standards found in Section 2.315.06 of this code. (12/18)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the Standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (12/18)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (1/04)
- D. In addition to the standards in this Chapter, development in the overlay zone RCOD is subject to development standards in Section 2.130. If there is a conflict between this Chapter and Section 2.130, then Section 2.130 shall apply. (12/19)

2.315.03 Exemptions

- A. The following are exempt from the Standard Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (1/04)

- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period, (1/04)
- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (1/04)
- D. Agricultural uses (1/04)
- E. Any residential building housing ~~three~~ four or fewer dwelling units and cottage clusters. (1/04)
- F. Any interior remodeling (1/04)
- G. A temporary business (1/04)
- H. A mobile Food Vendor (12/18)

2.315.04 Administration of the Development Standards

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (1/04)

- A. The Standards embodied in this Development Code are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (12/18)
- B. In instances where conformance to the Standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards. (12/18)
- C. The Standards embodied in this Development Code are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (12/18)
- D. In the event a development proposal or a change to an existing building does not conform to the Standards due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall be processed as a Type II-B land use decision consistent with Section 3.202. The initial decision shall be rendered by the Planning Commission, appealable to City Council. For properties located within the Keizer Station, the initial decision shall be rendered by the City Council. No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (12/18)

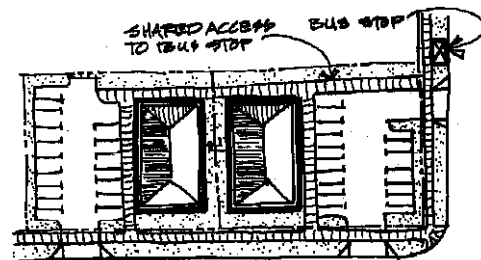
2.315.05 Non-Conforming Buildings

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (1/04)

2.315.06 Development Standards

All applicable development must meet the following Standards: (12/18)

- A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (1/04)
1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and transit facilities (existing or planned). (12/18)
 2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code requirements. (12/18)
 3. Additional Street Access. One walkway from a building to a public street shall be provided for every 300 feet of street frontage. (12/18)
 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (1/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be safely used at night by employees and customers. (12/18)
 6. Walkway Coverage.
 - a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs.



Pedestrian Access Standards

The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (1/04)

- b. In the EG zone, any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (1/04)

- 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a paved minimum unobstructed width of eight feet. (12/18)
- 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (1/04)
- 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (1/04)
- 10. The building permit application or Development Standards Alternative-application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible, evidence and proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The evidence will be evaluated in conjunction with the building permit or Development Standards Alternative process. (12/18)

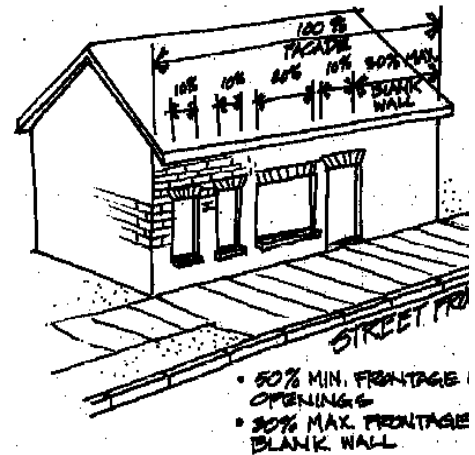
B. Building Design

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

uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation shall be determined as part of the required Master Plan review described in Section 2.125. (12/18)

2. Building facades

- a. In the CM, CR, and MU zones, facades that are visible from a public street shall extend no more than 30 feet horizontally without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area entirely separated from other wall areas by a projection, such as a porch or a roof over a porch and no more than 15 feet between vertical design elements such as columns, pilasters, or patterns. (12/18)



Facade Standards

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. (12/18)

3. Awnings – Awnings are a roof-like cover extending immediately in front of a doorway or window to provide protection from the sun or rain. Awnings shall be provided along building storefronts abutting a public sidewalk. Awnings are not allowed in locations not listed above. Awnings shall be constructed of canvas, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings shall not be back lit. (12/18)

4. Materials and Texture

- a. Building Materials. (1/04)
- 1) All buildings shall have wood, brick, stone, architectural block, slump stone block, architectural

concrete, stucco siding, or vinyl siding made to look like wood siding as the predominant building material. (12/18)

- 2) A minimum of 2 separate and distinct building materials must be used. (12/18)
- 3) Metal siding other than reflective material is allowed as part of a design to incorporate differing materials, but shall not be the predominant material used. ~~Metal siding is not allowed for residential buildings housing 3 or more dwellings.~~ (12/18)
- 4) Plain concrete masonry block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (12/18)

b. Trim Material. (1/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (1/04)

c. Roofing Material. (1/04)

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

d. Foundation Material. (1/04)

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

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (1/04)

- 1) Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim. (12/18)

- 2) Light Reflectance Value (LRV) of any color shall be

between the values of 30 and 85. (12/18)

- 3) The finish shall be either matte or satin. (12/18)
 - b. For the purpose of this Section, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color except as set forth below. (12/18)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (1/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this Standard. (12/28)

C. Commercial Accessory Structures

1. Commercial Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence, **OR**, with the exception of trash receptacles, be screened by painting them the same color as the main color of the building. (12/18)
2. Trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers. (09/10)

D. Transit Facility Requirement

New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement. (7/09)

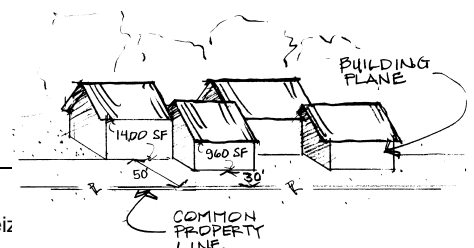
E. Transit Access

New retail, office and institutional buildings within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1 and 2 below. (12/18)

1. Walkways shall be provided connecting building entrances and streets adjoining the site; (7/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property; (7/09)
3. In addition to Subsections 1 and 2 above, sites at transit facilities must provide the following: (7/09)
 - a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection; (7/09)
 - b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site; (7/09)
 - c. A transit passenger landing pad accessible to disabled persons; (7/09)
 - d. An easement or dedication for a passenger shelter if requested by the transit provider; and (7/09)
 - e. Lighting at the transit facility. (7/09)

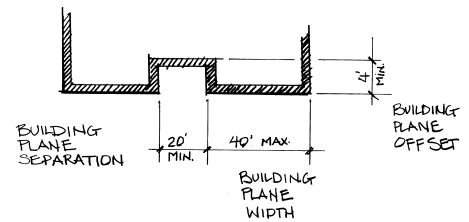
F. Multifamily Design. Multifamily structures shall create a form and scale to provide interest and aesthetic appeal. (12/18)

1. In addition to the requirements outlined in 2.315.06 all new multifamily buildings shall include a minimum of 3 significant different materials and textures in the design of the exterior building facade. (12/18)
2. Building planes for multifamily dwellings facing property lines or the street shall be subject to the following Standards: (12/18)
 - a. No building plane shall exceed 960 square feet within 30 feet of the property



line. No building plane that faces the common property line shall exceed 1,400 square feet within 50 feet of the property line. (12/18)

- b. No building plane shall have a greater dimension than 40 feet in length or 35 feet in height. (10/15)
- c. If more than one building plane faces a street or property line and the building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For the purposes of this Standard, “common distance” shall be defined within 12 feet. (12/18)
- d. When a structure along a wall juts out from the wall, or is offset from an adjacent part less than 4 feet, the structure is considered part of the building plane of a wall behind it. If the structure protrudes greater than 4 feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distance are measured. (12/18)



2.315.07 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall conduct a concurrent Development Review. As part of that review, a determination of the proposal's conformance with the provisions of this Section shall be determined. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the Standards or as a Design Alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this Section. (12/18)

2.315.08 Criteria for Development Standard Alternative Approval

The Planning Commission or City Council (for properties within Keizer Station) may approve the proposed design alternatives, or approve them with conditions through a Development Standards Alternative application, if it finds the alternative design can meet the purpose and intent of this Section and be successfully applied to a particular property. (12/18)

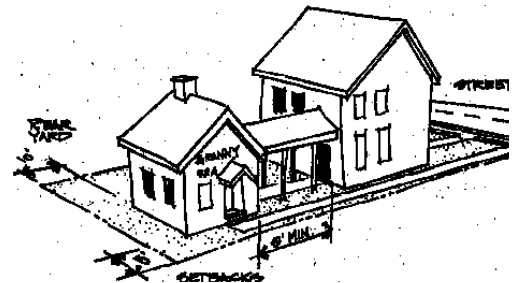
2.403 SHARED HOUSING FACILITIES

In zones permitting single family dwellings, an Accessory Dwelling Unit (ADU) may be allowed subject to the standards in this section. An ADU may be a detached building, in a portion of a detached accessory building (e.g. part of/above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g. an addition or conversion of an existing floor). (1/19)

2.403.01 Attached Accessory Dwelling Unit (1/19)

Where permitted as a special use, attached Accessory Dwelling Units shall meet the following use and development standards. (1/19)

- A. Orientation and Access. A structure with an attached ADU shall not have more than one front entry facing the same direction. Entries on different building frontages, or shared entries shall be required. Only one attached garage and driveway is allowed for a property containing an attached ADU. (1/20)
- B. Dwelling Units. The building must contain not more than two dwelling units and there must be no more than 1 total ADU per lot. ADUs are not included in minimum or maximum density calculations. (1/20)
- C. Area Requirements. Square footage of the attached ADU is limited to 40% of the total dwelling square footage excluding garage or accessory structure. The attached ADU must contain at least 300 square feet of floor area and the primary dwelling must contain at least 600 square feet of floor area. Area requirements do not apply to the conversion of an entire level or floor. (1/20)
- D. Ownership. An attached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- E. Design. The building must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/20)



Accessory Dwelling Unit

2.403.02 Detached Accessory Dwelling Unit (1/19)

Where permitted as a special use, a detached Accessory Dwelling Unit shall meet the following use and development standards. (1/19)

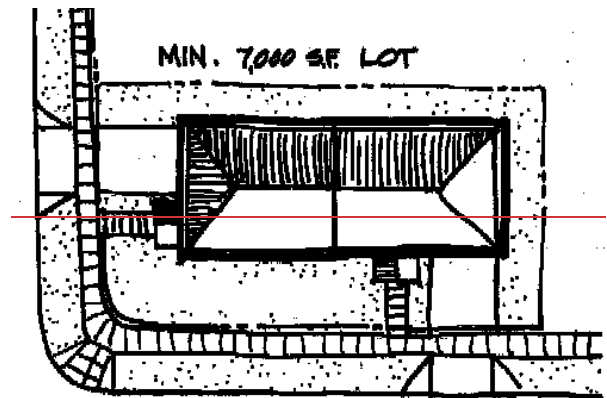
- A. Location. Except as allowed below, the detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (1/19)
- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. If located in the front yard, the applicant must show that the design of the ADU will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below. (1/19)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply: (1/20)
 - 1. Additional off-street parking space(s) must be provided within or adjacent to an existing driveway. Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (1/20)
 - 2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
- D. Design. The detached ADU must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/19)
- E. Area. The detached ADU shall be no larger than 750 square feet in total area. (1/19)
- F. Setbacks and Height. The minimum rear yard setback shall be 5 feet for a 1 story structure and 10 feet for a 2 story structure, unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall be 5 feet. The maximum height shall be 25 feet, and in no case may the detached ADU be taller than the primary home. (1/19)
- G. Ownership. A detached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- H. Dwelling Units. The lot or property shall contain no more than 1 total ADU. ADUs are not included in minimum or maximum density calculations. (1/20)
- I. Building Conversion. Conversion of an existing accessory structure to a detached ADU shall be allowed, subject to the following standards. (1/19)

1. If the existing building is setback less than 3 feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure. (1/19)
2. Conversion of an existing legal non-conforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the non-conformity. (1/19)
3. The area of the detached ADU is limited to a maximum of 750 square feet regardless of the total area of the existing structure. Any additional square footage may not be accessible from the interior of the ADU, and may only be used as an accessory structure use for non-dwelling purposes. (1/19)

2.403.03 Duplex on a Corner Lot

~~Where permitted as a special use, a duplex on a corner lot shall meet the following additional use and development standards. (5/98)~~

- ~~A. Lot Area. The corner lot shall contain at least 7,000 square feet. (5/98)~~
- ~~B. Access. Each dwelling unit shall derive its pedestrian and vehicular access from a different street, unless otherwise required by the City Public Works Director. (5/98)~~



Duplex

~~2.404 ZERO SIDE YARD DWELLING UNITS~~

~~Zero side yard dwelling units may include attached single family homes on individual platted lots or detached single family homes located contiguous to a lot line. Where permitted as a special use, zero side yard dwelling units shall meet the following use and development standards. (01/02)~~

~~A. Permitted development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot. (5/98)~~

~~B. Setbacks~~

~~1. Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone. (5/98)~~

~~2. Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply. (5/98)~~

~~C. Lot Size and Dimensions. Any lot that is part of an attached zero lot line development with more than two units may be less than the minimum lot size permitted in the zoning district provided that the average lot size of all lots in the development meets the density and minimum lot size requirements for the zone. The minimum lot width for zero lot line development providing attached dwellings shall be 20 feet. (01/02)~~

~~D. Building separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least ten (10) feet. (01/02)~~

~~E. Maintenance easement. As a condition of issuance of a building permit for any building having a wall contiguous to a property line that is unattached, the applicant shall furnish an easement from the owner of the property adjacent to the wall providing for ingress, egress, and use of the adjacent property for the purpose of maintenance, repairing, and replacing the premises. (5/98)~~

~~F. Accessory buildings. The provisions of this section apply to accessory as well as main buildings. (5/98)~~

~~G. Blank Wall Standards. To avoid blank walls along a common lot line, one or more of the following wall treatments shall be used along any zero lot line wall that is visible from the public right of way. (01/02)~~

~~1. Recessed or raised areas; (01/02)~~

- ~~2. Variations in material, patterns, or texture; (01/02)~~
 - ~~3. Trellises, arbors, climbing vines or other landscaping enhancement treatments; (01/02)~~
 - ~~4. Architectural detailing, such as cornices, pilasters, or trim; (01/02)~~
 - ~~5. Innovative lot schemes and site plans which reduce the visual impact of the blank wall. (01/02)~~
- ~~H. Maintenance. A five (5) foot wide maintenance easement shall be provided across the adjoining property for the benefit of any detached dwelling or zero lot line structure abutting a property line. For attached dwellings, maintenance provisions shall be provided by a common/party wall agreement or other recorded document. (01/02)~~
- ~~I. Attached Dwellings. Attached dwellings are allowed on smaller lots as prescribed in permitted zones. To reserve more area within a residential lot as usable outdoor space, attached dwellings shall be joined along a common wall for a distance of no less than one story for at least 10 feet. (01/02)~~

2.432 COTTAGE CLUSTER DEVELOPMENT

2.432.01 Purpose and Design Principles

This Section establishes standards for cottage cluster developments that are intended as an alternative development type that provides usable common open space in low- and medium-density residential areas 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)~~
- C. 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)~~

- B. 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)
- C. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.D). (6/14)
- D. 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. Cottage cluster developments may be on a single lot under single ownership, or cottage units may be on individual lots that are individually owned. Cottage clusters are eligible for middle housing land divisions, which would create individual lots for each unit and allow for fee simple ownership of the individual cottages and land they sit upon. Common ownership of or easements for the use of common areas or facilities still would be needed.~~
- B. Development Standards
 - 1. Parent parcel. The parent parcel, which shall encompass the entire cottage cluster development, and shall be at least the minimum lot size established for cottage clusters in the underlying zone (7,000 square feet) 30,000 square feet. The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city's regulations or with middle housing land division standards and requirements. (6/14)
 - 2. Cottage lots. There is no minimum lot size for the individual cottage lots.
 - 3. Density. Cottage cluster development must meet a minimum density of 4 units per acre. There is no maximum density for cottage clusters. 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 or a cottage cluster parent lot. (6/14)

6. Maximum Height. Twenty-five (25) feet. (6/14)
7. Minimum Setbacks. See the setback standards for underlying residential zone. (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~~ three cottages and no more than 8 cottages per common open space allowed in the underlying zone by density. (6/14)
2. Cottages shall be arranged around a common open space, and ~~each~~ at least 50% of the cottages shall have frontage with a primary entrance on the common open space. Cottages that do not have a primary entrance that faces the common open space either must have their primary entrance face the street, or a sidewalk or pedestrian path that is directly connected to 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.~~
4. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, or elsewhere on the development site. (6/14)
5. Cottage cluster developments shall be limited to one cluster with one common space.

D. ~~Private and~~ Common space. (6/14)

1. ~~Common Space.~~ (6/14)

1. Common space is a defining characteristic of a cottage housing development. A minimum of ~~400~~ 150 square feet of common open space per unit shall be provided. (6/14)
2. The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area. (6/14)
3. The common space must be a minimum of 15 feet wide at its narrowest dimension.
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, at least two sides of the common area shall be abutted by cottage child lots. ~~each lot shall abut a common area, but is not required to have public street frontage.~~ (6/14)
2. Access. Access to individual dwelling units will be provided meeting city and fire district standards. (6/14)
3. Parking. A minimum of ~~two~~ one off street parking spaces per unit shall be provided. (6/14)
4. Parking and/or garage structures shall not be located: ~~behind or to the side of the residential area and open space~~ (6/14)
 - a. Within 20 feet from any street property line, except alley property lines.
 - b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
5. ~~Parking areas,~~ Shared parking structures and shared parking lots, ~~and garages~~ shall be screened from public streets by landscaping or architectural screening that is at least three feet tall. (6/14)
6. If the property has frontage on a public alley, access and parking may be provided from the alley. (6/14)
7. If individual lots are created, and shared parking is provided, parking and access shall be provided in a common area with access easement. (6/14)

8. Individual off-street parking spaces may be allowed for each cottage.

~~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, c~~ Cottage developments ~~should shall be designed to~~ retain existing significant trees (at least twelve inches in diameter) that do not pose a safety hazard, as determined by a certified arborist. Significant trees that are removed must be replaced elsewhere on the site, per Section 2.309. (6/14)
2. ~~Landscaping located in Common~~ open spaces shall include pathways for be designed to allow for easy pedestrian circulation and access to each cottage and the community building if one is provided. Landscaping in common open spaces must be located and maintained to not block pedestrian pathways 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)~~

~~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)~~

2. ~~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)~~

3. ~~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)~~

~~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)~~

4. ~~Mailboxes. Mailboxes are subject to post office requirements. (6/14)~~

5. ~~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)~~

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

2.432.04 Building Requirements

A. Cottages and Cottage Cluster Design. (6/14)

1. Building footprint. Cottages shall have a maximum building footprint of ~~4,000~~ 900 square feet. Up to 200 feet of A an attached one-car garage is not included in may be excluded from 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. Cottage Cluster Development Design. Cottage cluster developments are subject to the design requirements established in Section 2.314. 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 or two stories, whichever is greater. ~~and are limited to a maximum of single story plus a loft.~~ (6/14)

~~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)~~

B. 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 subject to the same design and height standards as the cottages. (6/14)
3. Commercial uses are prohibited in the community building. (6/14)

C. 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 use at least two of the same design elements that are used for ~~be similar or compatible with that of the~~ cottages in the development. (6/14)

D.. 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)

E. Renovation and Expansion. (6/14)

1. Renovations shall follow the same size and design standards that are required ~~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)~~

F. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

1. The existing dwelling may be nonconforming with respect to the requirement of this code.

2. The existing dwelling may be expanded up to the maximum height allowed for cottage clusters (25 feet) or the maximum building footprint allowed for cottage clusters (900 square feet).
3. The existing dwelling shall be excluded from the calculation of orientation toward the common area.

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-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.~~ (9/18)
- B. ~~Cottage cluster development proposals in the RS zone is subject to the approval of a conditional use permit as a Type II-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.~~ (9/18)
- 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); and 2.309 (Site and Landscaping Design).-(7/21)~~
- ~~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) (11/05)
 - 2. Property Line Adjustment (6/16)
 - 3. Conditional Use (except Transit Station) (5/09)
 - 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 Detached Accessory Dwelling Unit (Front Yard) (1/19)
- 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: (7/03)
1. Variance (Major) (7/03)

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 3.202.04. Staff has an advisory role. The City Council shall hold a public hearing and make the decision. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (12/18)
1. Transit Station (5/09)
 2. Designation or Removal of a Historic Resource (9/18)
 3. Development Standards Alternative within Keizer Station (12/18)

- C. Type II-C: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-C actions follow the procedures found in Section 3.202.04. 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 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-C procedure: (12/18)
1. Nursing and Residential Care Facilities (6/11)
 - ~~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 (9/18)
 5. Development Standards Alternative (12/18)

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)
- E. Keizer Station Master Plan Amendment (10/18)
- F. Lockhaven Center Master Plans (see Section 2.130.08) (12/19)

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 ~~and MIDDLE HOUSING LAND DIVISION~~ APPLICATION PROCESS (12/19)

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) (5/09)	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

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
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
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Alternative Design Review for Detached Accessory Dwelling Unit (Front Yard) (1/19)	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
Transit Station (5/09)	II-B	Recommendation to City Council			Final Decision
Designation or Removal of a Historic Resource (9/18)	II-B	Recommendation to City Council			Final Decision
Development Standards Alternative (12/18)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Development Standards Alternative within Keizer Station (12/18)	II-B	Recommendation to City Council			Final Decision
Nursing and Residential Care Facilities (6/11)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
~~Cottage Cluster Development as a Conditional Use (6/14)~~	~~II-C~~	~~Recommendation to Planning Commission~~		~~Final Decision~~	~~Appeal of Plan Comm Decision~~
Permit for demolition, modification, or moving of a Historic Resource (9/18)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
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	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Amendment	III	Recommendation to City Council			Final Decision
Lockhaven Center Master Plan	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

MIDDLE HOUSING LAND DIVISION AND EXPEDITED LAND DIVISION APPLICATION PROCESS

LAND USE ACTION	TYPE	STAFF	<u>REFEREE HEARINGS OFFICER</u>	PLANNING COM- MISSION	CITY COUNCIL
<u>Middle Housing Land Division (1)</u>	<u>N/A</u>	<u>Final Decision</u>	<u>Appeal of Staff Decision (2)</u>		
<u>Expedited Land Division (1)</u>	<u>N/A</u>	<u>Final Decision</u>	<u>Appeal of Staff Decision (2)</u>		

(1) Per ORS 197.360, Middle Housing Land Divisions and Expedited Land Divisions are not land use decisions or limited land use decisions under ORS 197.015 or permits under ORS 215.402 or 227.160.

(2) ORS 197.375 establishes the requirements for appeals of Middle Housing Land Divisions and Expedited Land Divisions. An appeal of the Referee's Decision is heard by the Court of Appeals.

3.115 MIDDLE HOUSING LAND DIVISIONS

3.115.01 Purpose

This chapter provides standards and procedures for middle housing land divisions (MHLD), in accordance with state law. An MHLD is an expedited land division of a lot or parcel on which the development of middle housing is allowed under state law . The purpose of an MHLD is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables middle housing dwelling units to be sold and owned individually.

3.115.02 Applicability

MHLD can be applied to a lot or parcel with middle housing, as defined by this Code and allowed under state law and administrative rules. Middle housing types that are eligible for an MHLD include duplexes, triplexes, quadplexes, townhouses, and cottage clusters. An MHLD is the creation of multiple parcels from a single parent lot on which middle housing is developed or proposed, which results in individual lots for each housing unit. After an MHLD is applied to a property, each resulting lot or parcel becomes a middle housing child lot. The development is still subject to the requirements and standards that applied to the middle housing parent lot, or the original lot prior to an MHLD. In other words, the middle housing development is still defined and regulated as the original middle housing type after a MHLD is applied to the property (e.g., a duplex that undergoes a MHLD does not become a townhouse development – the structure and property are still subject to requirements/standards for duplexes). The MHLD process follows the procedures defined by state law and the development code.

3.115.03 Application and Fee

An application for an MHLD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

3.115.04 Submittal Requirements

A. A preliminary plat for the middle housing development as it relates to the existing lot, containing the following information:

1. Drawn to scale;
2. The boundaries, dimensions, and area of the lot;
3. The location, width, and names of all proposed streets, flag lot accessways, and public accessways including those abutting the perimeter of the lot;
4. The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the distance of such buildings and

- accessory structures to all property lines and adjacent on-site structures and identification of any that will be removed;
- 5. The location of all existing and proposed off-street parking and vehicle use areas;
- 6. The location of all existing and proposed trees.
- 7. The location of all existing or proposed public utility connections.
- 8. Existing or proposed easements necessary for each dwelling unit on the plan.
- C. A written statement providing a description of the manner in which the proposed division complies with the criteria in Section 3.115.06.
- D. Draft copies of all necessary easements for review by the City Attorney.

3.115.05 Process for Middle Housing Land Division Review

- A. Preliminary Plat Procedures for Middle Housing Land Division. Unless the applicant requests to use the procedure set forth in Section 3.202, the City shall use the following procedure.
 - 1. Completeness Review.
 - a. If the application for an MHL D is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing information. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
 - b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
 - 2. Notice of Application.
 - a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent

- property tax assessment roll. For purposes of appeal to the referee, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
- b. The notice shall include the following:
- i. The deadline for submitting written comments;
 - ii. A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period;
 - iii. A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue;
 - iv. The applicable criteria for the decision;
 - v. The place, date, and time that comments are due;
 - vi. A time and place where copies of all evidence submitted by the applicant will be available for review;
 - vii. The street address or other easily understood geographical reference to the subject property;
 - viii. The name and telephone number of City contact;
 - ix. A brief summary of the process for the land division decision being made.
3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.
4. There shall be no public hearing on the application.
5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a complete application.
6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.115.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
- a. A summary statement explaining the determination; and
 - b. An explanation of appeal rights under state law.

8. The applicant, or any person or organization who files written comments in the comment period established under 3.115.05.A.3, may appeal the Zoning Administrator's decision to the referee within 14 days of the mailing of the decision notice. The City may appoint the Hearings Officer as the referee. An appeal shall be accompanied by an appeal application and appeal fee.
9. An appeal shall be based solely on the following types of allegations:
 - a. A violation of the substantive provisions of the applicable land use regulations;
 - b. Regarding the unconstitutionality of the decision;
 - c. That the application is not eligible for review under state Middle Housing laws or regulations or Section 3.115.02 and should be reviewed as a land use decision or limited land use decision.
 - d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
 - e. Any other allegation specifically provided by state law.
10. The referee shall decide the appeal decision and the referee shall comply with state law when issuing a decision. The referee shall conduct a hearing similar to the process for a Partition appeal consistent with state law. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

3.115.06 Middle Housing Land Division Review Criteria

- A. Approval of a preliminary plat for a MHLD will be granted if the Zoning Administrator finds that the applicant has met all of the following criteria:
 1. Existing Compliance. The middle housing development complies with the Oregon Residential Specialty Code and applicable KDC middle housing regulations. To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and KDC middle housing regulations.
 2. Separate Utility Connections. To qualify for a MHLD separate utility, service connections for public water and sewer must be present for each dwelling unit.

3. Easements. Formal easements will be provided as necessary for each dwelling unit on the site for:
 - a. Locating, accessing, replacing, and servicing all utilities;
 - b. Minimum 5-foot wide pedestrian access from each dwelling unit to a private or public road, consistent with KDC 2.315.06.A.7;
 - c. Any common use areas or shared building elements;
 - d. Any dedicated driveways or parking;
 - e. Any dedicated common area;
 - f. Access easements for private streets shall comply with 2.302.08.
 4. One Dwelling Unit per Lot. Exactly one dwelling unit will be located on each resulting child lot, except for lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted. Resulting child lots may have accessory structures provided the accessory structure complies with applicable zoning requirements.
 5. Comply with Building Code. Buildings or structures on a child lot will comply with applicable Building Code provisions relating to new property lines.
 6. Notwithstanding the creation of new child lots, structures or building located on the newly created lots will comply with the Oregon Residential Specialty Code.
 7. Frontage improvements. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated prior to the creation of the child lot, pursuant to 2.310.05.C. Street frontage improvements or additional right-of-way must be completed or guaranteed prior to the MHL D.
- B. Preliminary Plat Conditions of Approval.
1. The preliminary plat for a MHL D shall:
 - a. Prohibit further division of the resulting child lots;
 - b. Require that a notation appear on the final plat indicating:
 - I. The approval was given under ORS Chapter 92;
 - II. The type of middle housing approved on the parent lot and noting that this middle housing type is still subject to development requirements and standards that apply to the

original middle housing development prior to the middle housing land division;

III. Accessory dwelling units are not permitted on child lots resulting from a middle housing land division.

2. The City shall not attach conditions of approval that a child lot require driveways, vehicle access, parking, or minimum or maximum street frontage.

3.115.07 Process for Final Plat of Middle Housing Land Divisions

Final Plat Review Criteria. Approval of a final plat for a MHLD shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the MHLD.
- B. Final Approval. If the MHLD plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- C. Building Permit. A building permit for all new middle housing structures must be issued before the final plat is recorded with the County Recorder.
- 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 as provided for in 3.202.05.B.
- E. Public Utilities. Prior to issuance of an occupancy permit, all public utilities for each individual unit shall be constructed or guaranteed.

3.116 Expedited Land Divisions

3.116.01 Purpose

An expedited land division (ELD) is an alternative land division procedure for land zoned for residential use. Application and review timelines for ELDs can be shorter than standard land division timelines. ELDs shall be defined and may be used as provided under state law.

3.116.02 Applicability

An ELD applies to the following:

- A. Includes only land that is zoned for residential uses.
- B. Is solely for the purposes of residential use, including recreational or open space uses accessory to a residential use.

3.116.03 Application and Fee

An application for an ELD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

3.116.04 Submittal Requirements

- A. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned unit development instead of the regular procedure type, must request the use of the ELD in writing at the time the application is filed, or forfeit the right to use it.
- B. Submittal shall follow the submittal requirements for whichever standard land division procedure that the ELD substitutes, which may include Partitions (3.107.05), Subdivisions (3.108.04), or Planned Unit Developments (3.108.04).

3.116.05 Process for Expedited Land Division Review

Review Procedure. All applications for expedited land divisions shall comply with state law, the Keizer Comprehensive Plan, and zoning designation. State law details the criteria, application and notice requirements, and action and appeal procedures for ELD.

- A. Preliminary Plat Procedures for Expedited Land Division. Unless the applicant requests to use the procedure set forth in 3.202.02, the City shall use the following procedure, as described in state law.
 - 1. Completeness Review.
 - a. If the application for an ELD is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing information.

The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

- b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

2. Notice of Application.

- a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under state law, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
- b. The notice shall include the following:
 - i. The deadline for submitting written comments;
 - ii. A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period; and
 - iii. A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue.
 - iv. The applicable criteria for the decision.
 - v. The place, date, and time that comments are due.
 - vi. A time and place where copies of all evidence submitted by the applicant will be available for review.
 - vii. The street address or other easily understood geographical reference to the subject property.
 - viii. The name and telephone number of City contact.
 - ix. A brief summary of the process for the land division decision being made.
- 3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.
- 4. There shall be no public hearing on the application.

5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a completed application.
6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.116.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
 - a. A summary statement explaining the determination; and
 - b. An explanation of appeal rights under state law.
8. The applicant, or any person or organization who files written comments in the comment period established under 3.116.05.A.3, may appeal the Zoning Administrator's decision to the referee within 14 days of the mailing of the decision notice. The City may appoint the Hearings Officer as the referee. An appeal shall be accompanied by an appeal application and appeal fee.
9. An appeal shall be based solely on the following types of allegations:
 - a. A violation of the substantive provisions of the applicable land use regulations;
 - b. Regarding the unconstitutionality of the decision;
 - c. That the application is not eligible for review under state Expedited Land Division laws or regulations or Section 3.116.02 and should be reviewed as a land use decision or limited land use decision.
 - d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
 - e. Any other allegation specifically provided by state law.
10. The referee shall decide the appeal decision and the referee shall comply with state law when issuing a decision. The referee shall conduct a hearing similar to the process for a Partition appeal consistent with state law. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

3.116.06 Expedited Land Division Review Criteria

- A. For an ELD to be considered, the proposed division must demonstrate how it complies with the following:
 1. The parent lot is zoned for residential use.

2. The parent lot is solely for the purpose of residential use, including recreational or open spaces, accessory to residential use.

b. Preliminary and final plat, and notice requirements shall follow criteria in 3.116.03 – 3.116.05. These criteria are consistent with state law.

b. The land division will not provide for dwellings or accessory buildings to be located on land that is within the Floodplain Overlay zone (2.122), the Greenway Management Overlay zone (2.123) or the Resource Conservation Overlay zone (2.126).

c. The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Public Works Design Manual, and the Development Code.

d. The land division will result in development that either;

- i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
- ii. All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Marion County. A copy of a deed restriction or other legal mechanism approved by the Zoning Administrator shall be submitted.

3.116.07 Process for Final Plat of Expedited Land Division

Final Plan Review Criteria. Approval of a final plat for a ELD shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the ELD.
- B. Final Approval. If the ELD plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- 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.
- 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 as provided for in 3.202.05.B

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. (10/18)
- 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-B Transit Station – City Council decision) (6/11)

(Type II-B Designation or Removal of a Historic Resource – City Council Decision) (9/18)

(Type II-B Development Standards Alternative – Planning Commission decision) (12/18)

(Type II-B Development Standards Alternative within Keizer Station – City Council Decision) (12/18)

(Type II-C Conditional Use for Nursing and Residential Care Facilities - Planning Commission decision) (9/18)

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

~~*(Type II-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) (9/18)

(Type III Annexation, Zone Changes involving 5 or fewer adjacent land ownership and Comprehensive plan Map Amendments involving 5 or fewer adjacent land ownerships, Keizer Station Master Plan which may include Subdivision and Partitioning, Keizer Station Master Plan Amendments, and Lockhaven Center Master Plan) (12/19)

- 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. (6/11)

- J. Appeals. With the exception of a Transit Station, Designation or Removal of a Historic Resource, and Keizer Station Development Alternative, which are final decisions 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. (12/18)
- 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 Statutory Time Limits

If for any reason it appears that ~~such~~ final action may not be completed within the ~~120-day period~~time limit required by state statute, 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 time limit required by state statute~~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 time limit required by state statute~~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)

3.205 PUBLIC HEARING BEFORE THE HEARINGS OFFICER OR PLANNING COMMISSION

3.205.01 General Provisions

- A. Appeal of the Administrator's Decision. Appeal of a Type I-A or Type I-B action shall be heard by the Hearings Officer. Findings of the Hearings Officer on such appeal shall be final unless further appealed to the City Council. Appeal of a Type I-C or Type I-D action shall be heard by the Planning Commission, with appeal to the City Council. Findings of the Planning Commission on such appeal shall be final unless further appealed to the City Council (07/0703)
- B. Initial Hearing. Land use actions, which require a public hearing by the Hearings Officer or Planning Commission under the provisions of this Ordinance, shall be initially heard within 60 days of the receipt of an application or appeal. (5/98)
- C. Continuance. The Hearings Officer or Planning Commission may continue a public hearing for additional, information, testimony or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date. (5/98)
- D. Open Record. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. (5/98)
- E. Final Decision. The decisions of the Hearings Officer on applications for Type II actions shall be final unless appealed to the City Council pursuant to Section 3.207. The decision of the Planning Commission for Type I-C actions shall be final unless appealed to the City Council pursuant to Section 3.207. (2/01)
- F. Recommendation. The recommendations of the Hearings Officer or Planning Commission on applications for Type III actions shall be referred to the City Council for final determination. (5/98)
- G. LUBA Appeal Requirements. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the City. Such issues shall be raised with sufficient specificity so as to afford the decision authority, and affected parties, an adequate opportunity to respond to each issue. (5/98)

3.205.02 Public Hearing Procedures

The public hearings before the Hearings Officer or Planning Commission shall be conducted according to hearings procedures adopted by City Council resolution. (5/98)

3.205.03 Evidence

- A. Exclusion. All evidence offered and not objected to may be received unless excluded by the Hearings Officer or Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility. (5/98)
- B. Testimony. The Hearings Officer or Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Officer or Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. Any part of the evidence may be received in written, video or form. (5/98)
- C. Public Record. All evidence shall be offered and made a part of the public record in the case. (5/98)
- D. Testimony and Rebuttal. All interested persons shall be allowed to testify. Every party is entitled to an opportunity to be heard and to present and rebut evidence. (5/98)

3.205.04 Record of Hearing

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record. (5/98)

3.205.05 Limits on Oral Testimony

The Hearings Officer and Planning Commission Chairman may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. (5/98)

3.205.06 Exhibits

All exhibits received shall be marked so as to provide identification upon review. The City shall retain such exhibits. (5/98)

3.205.07 Referee

As used herein, the term "Hearings Officer" shall also apply to referee under KDC 3.115 and KDC 3.116, except where the process is described differently elsewhere in this Code or state law.

3.207 APPEAL PROVISIONS

3.207.01 Appeal Period

- A. Administrator's Decision. The decision of the Zoning Administrator shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within ten days of the date of the final written notice. An appeal stays the proceedings in the matter appealed until the determination of the appeal. (5/98)
- B. Hearings Officer or Planning Commission Decision. The decision of the Hearings Officer or Planning Commission for a Type II land use decision, or the appeal of a Type 1-A, 1-B, 1-C or 1-D decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within ten days of the date of the final written notice. An appeal stays the proceedings in the matter appealed until the determination of the appeal. (07/07/03)
- C. Referee Decision. The decision of the referee under KDC 3.115 or KDC 3.116 is final unless appealed in the time and manner required under state law.

3.207.02 Form of Appeal

Appeal requests shall be made on forms provided by the City. Appeals shall state the alleged errors in the original action and the specific criteria, which the appeal is based upon. (2/01)

3.207.03 Notice Requirements

- A. Notice for Hearings Officer and Planning Commission. Notice of hearings by the Hearings Officer or Planning Commission on appeal requests shall be as specified in Section 3.204. (5/98)
- B. Notice for City Council. Notice of hearings by the City Council on appeal requests shall be as specified in Section 3.204. (5/98)

III. Findings and Policies

C. Land-Use and Economic Development

[...]

4. RESIDENTIAL DEVELOPMENT GOALS, OBJECTIVES AND POLICIES

[...]

d. Goal 4 Provide and allow for appropriate levels of residential development consistent with comprehensive plan designations.

1) Objective 4.1 Provide for three general levels of residential density

a) Policies 4.1:

(1) Low-Density Residential

(a) Allow single-family and middle housing residential uses as the predominant land use type in low-density residential areas.

(b) Ensure that:

i. Land use is predominantly single-family or middle housing residential, with up to 8 units per gross acre.

ii. A variety of housing types are allowed in this category such as detached, attached duplex, triplex, quadplex, townhouses, cottage cluster housing, and manufactured housing. The zoning and subdivision ordinance will more specifically describe structural types. ~~In this district, each residential unit will be on a single lot.~~

(2) Medium Density Residential

(a) Allow a mix of housing types in this category at a density averaging from 6 to 10 dwelling units per acre. These densities do not apply to middle housing types. Identify criteria and location for this category in the zoning ordinance.

(b) Allow detached, attached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple family housing.

(3) Medium and High Density Residential

(a) Allow a mix of housing types in this category in two general levels of residential density:

i. Medium density – over 8 and up to 16 units per gross acre. The density maximum does not apply to middle housing.

ii. High density – over 16 units per gross acre. Identify criteria and location for these two sub-categories in the zoning ordinance.

(b) Allow attached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple housing in this category.

(4) Mixed Use

(b) Allow detached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple family housing.

D. Plan Diagram and Special Land Use Policies

[...]

2. GOALS AND POLICIES

[...]

b. Low-Density Residential

1) Allow single-family and middle housing residential uses as the predominant land use type in low-density residential areas.

2) Ensure that:

a) Land use is predominately single-family or middle housing residential, with as many as 8 units per gross acre.

b) A variety of housing types are allowed in this category such as detached, attached duplex, triplex, quadplex, townhouses, cottage cluster housing and manufactured housing. The zoning and subdivision ordinance will more specifically

describe structural types. ~~In this district, each residential unit will be on a single lot.~~

- c) Schools, neighborhood shopping facilities, parks and churches are allowed in this category subject to conditional use criteria to be defined in the zoning ordinance.

- 3) Refer to the Keizer Revitalization Plan and River-Cherry Overlay District for policies and standards regarding housing in the Keizer Revitalization Plan area.

c. *Medium Density Residential*

- 1) Allow a mix of housing types in this category at a density averaging from 6 to 10 dwelling units per acre. ~~These densities do not apply to middle housing types.~~ Identify criteria and location for this category in the zoning ordinance.
- 2) Allow detached, attached, duplex, ~~triplex, quadplex, townhouses, cottage cluster housing~~ and multiple family housing in this category.
- 3) Schools, neighborhood shopping facilities, parks and churches are allowed in this category subject to conditional use criteria in the zoning ordinance.
- 4) Refer to the Keizer Revitalization Plan and River-Cherry Overlay District for policies and standards regarding housing in the Keizer Revitalization Plan area.

d. *Medium and High Density Residential*

- 1) Allow a mix of housing types in this category in two general levels of residential density:
 - a) Medium density-over 8 and up to 16 units per gross acre. ~~The density maximum does not apply to middle housing.~~
 - b) High density-over 16 units per gross acre. Identify criteria and location for these two sub-categories in the zoning ordinance.

- 2) *Allow attached, duplex, triplex, quadplex, townhouses, cottage cluster housing and multiple housing in this category.*
- 3) *Allow a ten-year surplus of vacant buildable land in this category.*
- 4) *Schools, neighborhood shopping facilities, parks and churches are allowed in this category subject to conditional use criteria to be defined in the zoning ordinance.*
- 5) *Refer to the Keizer Revitalization Plan and River-Cherry Overlay District for policies and standards regarding housing in the Keizer Revitalization Plan area.*



CITY COUNCIL MEETING: JUNE 21, 2022

To: MAYOR CLARK AND CITY COUNCIL MEMBERS

FROM: Adam J. Brown, City Manager

SUBJECT: **ARTIFICIAL TURF FIELDS AT KEIZER RAPIDS PARK**

PROPOSED MOTION:

"I move the City Council adopt Resolution R2022-_____ Authorizing City Manager to Sign Marion County ARPA funds Subrecipient Agreement BO-4567-22."

I. SUMMARY:

Marion County approached the City of Keizer with a proposal to build two multi-purpose artificial turf athletic fields at Keizer Rapids Park. After staff analysis and a workgroup appointed by the mayor, a recommendation was presented to the Keizer City Council to move forward with an inter-governmental agreement to accept funds for design and construction of the fields. The agreement is ready for approval.

II. BACKGROUND:

- A. Marion County submitted a proposal to construct two artificial turf multipurpose athletic fields at Keizer Rapids Park to the City in September 2021. The County proposed to use up to \$2 million in County ARPA funding if matched by City funding for a total project cost of \$4 million. Conversations with the City have continued since September 2021.
- B. Mayor Clark established a work group on May 2, 2022 charged with making a recommendation to the City Council. The workgroup met on May 12, 2022 and asked staff to provide research on costs and partnerships.
- C. Staff conducted research on costs and partnerships and presented findings to the workgroup on May 25, 2022.
- D. The City Council received the staff research and workgroup recommendation on June 6, 2022 and directed staff to bring back the intergovernmental agreement for approval.

III. CURRENT SITUATION:

- A. The City Attorney has reviewed the Intergovernmental Agreement drafted by Marion County and is recommending approval.

IV. ANALYSIS:

- A. **Strategic Impact** – One of the council's short-term goals is the Parks Master Plan Update. The location of these fields is consistent with the Parks Master Plan to have multiuse fields. This project would begin implementation of the plan.

B. **Financial**

1. Annual Maintenance Costs – The Cost to maintain grass turf can be from \$18 to \$44k per year versus \$6k to \$10k per year for artificial turf. Annual maintenance costs for both fields would be approximately \$60,000. Maintenance of turf fields includes debris removal, machine raking, reapplication of rubber granules, grooming the turf, and removal of any ferrous objects with a powerful, industrial magnet. Maintenance does not include needing an employee to be present during all use. Use agreements will include responsibility for leaving the facility in the same condition in which it was found.
2. Annual Capital Costs - The annual cost to prepare for replacement of the capital infrastructure and equipment would be approximately \$62,519 per field. Both fields together would need \$125,038 per year to prepare for replacement on a 10-year life-cycle cost. Ten years is the optimal time for replacement of the turf. Equipment may last longer than 10 years.
3. Revenue Opportunities – A variety of user fees seeking opportunities exist for generating revenue to support the maintenance and replacement of the facilities. Staff explored three funding models. A very aggressive user fees seeking model could fund the operation; however, it is not evident whether some of our users could afford that model of cost recovery. Most municipal fields have a multi-tiered funding model that offer lower rents for local organizations and higher rents for out of community activities.

Other forms of income could come from advertising, sponsorships, concessions and food trucks. Naming rights for the fields is also a possibility

- C. **Timing** – Both the City and County have to spend ARPA funding in a timely manner. The County needs to move forward with budgeting their ARPA funding as does the City.

D. **Policy/legal**

Artificial Turf Fields

June 21, 2022

1. The multi-use field is consistent with the Parks Master Plan. The plan did not anticipate it being artificial turf; however, artificial turf is less costly to maintain than grass turf.
2. The council requested that the IGA be brought back to the City Council for approval.

ALTERNATIVES:

- A. Take No Action – The City will not be able to move forward with the artificial turf fields.

RECOMMENDATION:

Staff recommends that the City Council approve the intergovernmental agreement between the City of Keizer and Marion County for the acceptance of \$2 million in ARPA funding to build two artificial turf fields at Keizer Rapids Park with parking and the other committee recommended design considerations.

ATTACHMENTS:

- Resolution R2022-_____
- Marion County Subrecipient Agreement BO-4567-22

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZING CITY MANAGER TO SIGN MARION COUNTY
ARPA FUNDS SUBRECIPIENT AGREEMENT BO-4567-22

WHEREAS, the City applied to Marion County for American Rescue Plan Act (ARPA) grant funding to construct up to two all-weather turf athletic fields at Keizer Rapids Park;

WHEREAS, the county approved a grant in the amount of \$2,000,000 in funding for the construction of the two all-weather turf fields at Keizer Rapids Park;

WHEREAS, sport fields are included at Keizer Rapids Park in the Parks and Recreation Master Plan;

WHEREAS, Council has considered the matter and desires to enter into an agreement to accept the grant funds;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to sign the attached Subrecipient Agreement BO-4567-22 with Marion County for ARPA funding to construct two all-weather turf athletic fields at Keizer Rapids Park.

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

3 PASSED this _____ day of _____, 2022.

4

5 SIGNED this _____ day of _____, 2022.

6

7

8

9

Mayor

10

11

12

City Recorder

**MARION COUNTY
SUBRECIPIENT AGREEMENT
BO-4567-22**

*American Rescue Plan Act of 2021
Coronavirus State and Local Fiscal Recovery Funds*

This Agreement is entered into by and between **Marion County**, a political subdivision of the State of Oregon, hereinafter referred to as "County", and City of Keizer, a *unit of local government*, hereinafter referred to as "Subrecipient".

Recitals

- A.** WHEREAS, on March 11, 2021, the American Rescue Plan Act ("ARPA") was signed into law and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, together which make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program with the Assistance Listing Number (ALN) 21.027. The SLFRF program is to provide support to support to State, territorial, local and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses; and
- B.** WHEREAS, units of local government may be impacted by the pandemic and receive ARPA/SLFRF assistance as a subrecipient, per U.S. Treasury 31 CFR Part 35; and
- C.** WHEREAS, the total SLFRF funds to the County, as published by the US Treasury, is \$67,559,569, may award funds to units of local government that meet ARPA/SLFRF eligibility requirements; and
- D.** WHEREAS, the Subrecipient, a unit of local government, submitted an application to the county for SLFRF relief funds to support the addition of two athletic fields at Keizer Rapids Park; and
- E.** WHEREAS, the County intends to allocate a portion of its SLFRF funds to assist cities within Marion County that experienced Negative Economic Impacts; in accordance with all federal, state, and local guidelines regarding the usage of SLFRF funds; and
- F.** WHEREAS, during a meeting on January 26, 2022, the Board of Commissioners approved the application from the Subrecipient; and
- G.** WHEREAS, as a Subrecipient, is willing to execute this Agreement obligating itself to comply with the terms and conditions hereof and to fulfill such obligations in a manner complementary to and in furtherance of its obligations arising from the Agreement it executed with County for receipt of the funds described herein.

Agreement

NOW THEREFORE, for good and sufficient consideration, including the terms and conditions herein, it is agreed by and between the parties hereto as follows:

1. Incorporation

The foregoing Recitals are incorporated herein by reference, provided, however, that the Recitals are not to be deemed to modify the express provisions hereinafter set forth. This Agreement includes the following exhibits which are incorporated herein:

- Exhibit A (The Application)
- Exhibit B (Required Federal Terms and Conditions)
- Exhibit C (Federal Funding Information for Subrecipients)
- Exhibit D (Federal Funding Accountability and Transparency Act Certification)
- Exhibit E (ARPA/SLFRF Capital Expenditure Justification Form)
- Exhibit F (ARPA/SLFRF Reporting Requirements Form)
- Exhibit G (Marion County Disbursement Request)

2. Term of Agreement

Unless terminated or extended, this Agreement covers the period **March 3, 2021 through December 31, 2026**. Subrecipients costs must be obligated by December 31, 2024 and must be expended by December 31, 2026.

3. Work to be Performed

Subrecipient shall perform the work described in Exhibit A, The Application (the “Work”) in accordance with the terms and conditions of this Agreement and other applicable law whether or not described in this Agreement. Subrecipient shall perform its obligations hereunder efficiently, effectively and within applicable grant timelines, all to the satisfaction of County.

Changes to the Work by the Subrecipient shall require the prior written approval of County. Requests for and justification of any change must be submitted in writing to the County and be approved in writing by the County prior to commencement of the requested change.

4. Consideration; Reporting

- a. The County has agreed to make an award of funds to the Subrecipient not-to-exceed amount of **Two Million Dollars** (\$2,000,000.00) (the “Grant”). The Subrecipient agrees to match the County’s grant award resulting in two (2) athletic fields at Keizer Rapids Park. Grant disbursements shall be a reimbursement of funds to Subrecipient, based on the budget submitted in Exhibit A, under the following U.S. Treasury eligible category: Negative Economic Impacts.
- b. Subrecipients may use ARPA/SLFRF funds for direct administrative costs for administering the project, as identified in the approved budget of the Work. Direct Administrative Costs are identified as specific costs of implementing the project, such as contract or project management and personnel costs directly associated with complying with legal and reporting requirements. Costs must comply with 2 CFR 200 Subpart E - Cost Principles and be adequately documented and supported, including requirements for personnel compensation and fringe benefits as identified in 2 CFR 200.430 & 200.431. Indirect Costs or general overhead costs have not been approved for this project.
- c. Any desired use of funds by Subrecipient that differs from the Work must first be approved in writing, by the County. 100% of the Grant must be used to provide services as indicated in the Work.
- d. The County shall provide the report templates to the Subrecipient no later than June 15, 2022. See Exhibit F for reporting due dates and requirements.

5. Funding Appropriation

Funds specified in the Consideration section of this Agreement or otherwise may include funds that have not yet been appropriated but which the County anticipates receiving for use in funding this Agreement and their identification herein is not a guarantee that Subrecipient will receive any or all such funds. Any and all disbursements of funds hereunder are subject to the terms and conditions of this Agreement, including (without limitation) that such funds are lawfully and fully appropriated, allocated, and available to the County with authorizing limitation. Subrecipient's obligation to perform the Work is conditioned upon the County receiving corresponding Grant funds or other funds available for reimbursement of such appropriate Work costs.

6. Requests for Funds

- a. Subrecipient shall request grant funds in such form and manner as is satisfactory to or required by the County. Further, in accordance with U.S. Department of Treasury Regulations, 31 CFR Part 205, Subrecipient shall limit any request for funds to the amount needed and timely in order to accomplish the Work. Submission of proper account records showing expenditures for the reporting period must be submitted as documentation to support the amounts being requested. The foregoing requirements apply to all Grant funds requested under this Agreement.
- b. Grant distributions will be made by the County:
 - ☒ Monthly or upon request to the County with receipt of Exhibit G, Marion County Disbursement Request, that includes supporting documentation and attestation by Subrecipient's authorized signer. The exhibit and supporting documentation shall be sent to ARPArecovery@co.marion.or.us or.
 - ☐ One-time distribution to the Subrecipient upon execution of this Agreement and receipt of Exhibit G Marion County Disbursement Request, that includes supporting documentation and attestation by Subrecipient's authorized signer. Exhibit G shall be sent to ARPArecovery@co.marion.or.us.

7. Nonexclusive Remedies Related to Funding

- a. Withholding of Grant Funds from Request

County may withhold any and all undisbursed Grant funds from Subrecipient, if the County, in its sole discretion, determines that Subrecipient has failed to timely satisfy any material obligation arising under this Agreement or otherwise. Subrecipient obligations include, but are not limited to providing complete, accurate and timely reports satisfactory to the County about its performance under this Agreement as well as timely satisfying all Agreement obligations relating to any awarded funds. The County may also withhold any and all requested Grant fund from Subrecipient if the County, in its sole discretion, determines that the rate or scale of requests for funds in any expenditure category materially deviates from the Work or is unsubstantiated by related documentation.

- b. Redistribution or Retention of Funds

- i. If Grant funds are not obligated for reimbursement by Subrecipient in a timely manner as determined by the County at its sole discretion, the County may reduce Subrecipient funding as it determines to be appropriate in its sole discretion and redistribute such funds to other Subrecipients or retain such Grant funds for other County use.

- ii. Beginning in December 2023, if fifty percent of Subrecipient's Work is not complete, the County may reduce and redistribute funds to other Subrecipients or other County use.
- iii. This remedy is in addition to any other remedies available to the County under this Agreement or otherwise.

c. Reservation of Right to Recapture

The County reserves the right to recapture funds from Subrecipient based on misrepresentation, underperformance, non-compliance, unallowed costs, fraud, expiration or termination of this Agreement.

8. Termination

- a. The County may immediately terminate this Agreement in whole or in part upon written notice to the Subrecipient for cause related to any material misrepresentation, malfeasance, gross negligence, abandonment of performance or loss of authority to perform any of its obligations hereunder by Subrecipient, whether directly by Subrecipient or through one or more of its agents, subcontractors, successors or assigns, as determined by the County in its sole discretion.
- b. The County may, upon 30 days written notice, terminate this Agreement in whole or in part for cause including, but not limited to events described above in subsection 8.a. Cause may include any event, including an event of default, as determined by the County in its sole discretion that renders inappropriate the continuation of this Agreement or any part hereof. An event of default constitutes an act or omission by Subrecipient, its Subcontractors, agents, representatives, contractors, or assigns by which Subrecipient, as determined by the County at its sole discretion, fails to timely and appropriately perform one or more material obligations, or otherwise breaches a duty, owed to the County under this Agreement. Such events and events of default may include, but are not limited to an occurrence of any of the following:
 - i. Subrecipient fails to fulfill timely any of its obligations under this Agreement;
 - ii. Subrecipient fails to comply timely with directives received from the County or from an agency that is the original source of the Grant funds;
 - iii. Funds provided under this Agreement are used improperly or illegally by Subrecipient;
 - iv. Funding for grant programs are denied, suspended, reduced or eliminated;
 - v. Federal or state laws, regulations or guidelines are modified or interpreted in such a way that the County is prohibited from paying for or lacks authority to pay for any Work performance under this Agreement or to pay for any such performance from the planned funding source(s);
 - vi. Funding, appropriations, limitations or expenditure authorization to expend Grant funds is denied, suspended, reduced or eliminated;
 - vii. Any certification, license or certificate required by law to be held by Subrecipient or others to perform the Work required by this Agreement is for any reason denied, revoked, suspended, limited or not renewed;

- viii. Subrecipient (a) applies for or consents to the appointment of, or the taking of possession by, a receiver, custodian, trustee or liquidator of itself or its property, (b) admits in writing its inability, or is generally unable, to pay its debts as they become due, (c) makes a general assignment for the benefit of its creditors, (d) commences a voluntary case under the federal Bankruptcy Code (as now or hereafter in effect), (e) is adjudicated as bankrupt or insolvent, or (f) fails to controvert in a timely or appropriate manner, or agrees in writing to, an involuntary petition for bankruptcy;
- ix. Subrecipient, its principals, officers, or agents are suspended, debarred, proposed for debarment, declared ineligible or voluntarily excluded from participating in agreements or contracts with any federal or state department or local government, including the County.
- c. Subrecipient may, upon thirty (30) days written notice, terminate this Agreement in whole or in part, if;
 - i. The County unreasonably fails to provide timely funding hereunder and does not correct such failure within the 30-day notice period;
 - ii. The County provides one or more material directives which are contrary to federal or state laws, rules, regulations, guidelines, or original funding source requirements and does not correct any such directive within 30 days of being informed that it is contrary to any such law;
- d. Upon issuance of any notice to terminate this Agreement and prior to the effective date of the termination, County may, in its sole and absolute discretion, require that Subrecipient obtain prior approval from the County for any additional expenditures that would obligate County to reimburse it from Grant funds or otherwise.
- e. Notwithstanding the above, or any termination thereunder, neither Subrecipient nor the County shall be relieved of its liability to the other party for damages sustained by virtue of its breach of this Agreement. The County may withhold any reimbursement to Subrecipient in the amount of compensation for damages due the County from Subrecipient (as estimated by the County in its sole discretion) until such time as the exact amount of damages has been agreed upon or otherwise finally determined.
- f. In the event of termination of this Agreement by either party, all unexpended money, property, finished or unfinished documents, data, financial reports, audit reports, program reports, studies and reports purchased or prepared by Subrecipient under this Agreement shall be delivered to the County within sixty (60) days of the date of termination or upon such date as requested by the County.
- g. Termination of this Agreement shall not impair or invalidate any remedy available to the County or to Subrecipient hereunder, at law, or otherwise.

9. Conflict of Interest

Subrecipient understands and agrees it must maintain a conflict of interest policy consistent with 2 CFR 200.318(c) and outlines the process for disclosing in writing any potential conflict of interest. Any perceived or actual conflict of interest must be reported to the County in a timely manner in accordance with 2 CFR 200.112.

10. Governing Law; Venue; Consent to Jurisdiction

This Agreement shall be governed by the laws of the State of Oregon. Any action commenced in connection with this Agreement shall be in the Circuit Court of Marion County. All rights and remedies of the County shall be cumulative and may be exercised successively or concurrently. The foregoing is without limitation to or waiver of any other rights or remedies of the County according to law.

11. No Third-Party Beneficiaries

The County and Subrecipient are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

12. Notices

Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given shall be given in writing by personal delivery, email, facsimile, or mailing the same, postage prepaid, or other written instrument, to Subrecipient or the County at the address or number set forth in this Agreement, or to such other addresses or numbers as either party may hereinafter indicate pursuant to this Section; provided however that any notice of termination shall be given by certified or registered mail, return receipt requested. Any communication or notice so addressed and mailed shall be deemed to be given five (5) days after mailing. Any communication or notice delivered by facsimile or email shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. To be effective against the County, such facsimile transmission must be confirmed by telephone notice to the County's primary contact. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

County Contact Person: Camber Schlag, Marion County Finance, Contracts & Procurement Mgr.
Contact Telephone Number: 503-589-3290
E-Mail Address: ARPARecovery@co.marion.or.us
Mailing Address: 555 Court St NE, Suite 4247, PO Box 14500, Salem, OR 97309

13. Confidentiality

Subrecipient shall and shall require and cause its Subcontractors and vendors to protect the confidentiality of all information concerning clients and other applicants for and recipients of services funded by this Agreement. Neither it nor they shall release or disclose any such information except as necessary for the administration of the program(s) funded under this Agreement, as authorized in writing by the client, applicant or recipient of such services, or as required by law. All records and files shall be appropriately secured to prevent access by unauthorized persons.

Subrecipient shall and shall require and cause its Subcontractors and vendors to ensure that all its officers, employees and agents are aware of and comply with this confidentiality requirement.

14. Dual Payment

Subrecipient shall not be compensated for work performed under this Agreement from any other department of the County, nor from any other source, including the federal or state government, unless such funds are used solely to increase the total Work provided under this Agreement. Any additional funds received through or for activities arising under this Agreement shall immediately be reported to the County.

15. Monitoring Required

a. County Authorized to Monitor Subrecipient

The County shall perform a risk assessment on Subrecipient in order to determine appropriate level of monitoring to ensure compliance with Federal statutes, regulations, and the terms and conditions of Federal awards. The County shall monitor the activities of the Subrecipient as necessary to ensure that the ARPA/SLFRF program funds are used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the ARPA/SLFRF program; and that ARPA/SLFRF program performance goals are achieved.

i. The County monitoring of Subrecipient shall include at a minimum:

- 1) Reviewing financial and performance reports.
- 2) Following-up and ensuring that the Subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award or other related findings detected through audits, on-site reviews, and written confirmation from the Subrecipient, highlighting the status of actions planned or taken to address Audit findings related to the ARPA/SLFRF program, other federal programs as applicable, or other deficiencies noted that could impact non-compliance of the program.
- 3) Issuing a management decision for applicable audit findings pertaining only to the Federal award.
- 4) The County is responsible for resolving audit findings specifically related to the ARPA/SLFRF program and not responsible for resolving crosscutting findings. If a Subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (*e.g.*, has been debarred or suspended), the County may rely on the Subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section [§ 200.513\(a\)\(3\)\(vii\)](#). Such reliance does not eliminate the responsibility of the County to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

ii. If necessary, the County may perform additional monitoring activities of the Subrecipient including but not limited to:

- 1) Provide Subrecipients with training and technical assistance on ARPA/SLFRF program-related matters; and
- 2) Perform on-site reviews of the subrecipient's ARPA/SLFRF program operations;
- 3) Arrange for agreed-upon-procedures engagements as described in [§ 200.425](#).

b. Subrecipient Noncompliance

Subrecipient shall fully and timely cooperate with the County in the performance of any and all monitoring and enforcement activities. Failure by Subrecipient or any of its Subcontractors or

Vendors to comply with this requirement is sufficient cause for the County to require special conditions as described in 2 CFR 200.208 and 2 CFR 200.339.

c. Subrecipient Shall Monitor Its Subcontractors

Subrecipient shall monitor Subcontractor to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, the terms and conditions of Federal award, and this agreement and its exhibits. Subrecipient, at a minimum, shall review Subcontractors records and if necessary, perform onsite visits to monitor the activities and expenditures as is reasonable to ensure compliance with applicable ARPA/SLFRF program requirements or as otherwise directed by the County, but in no case less than at least once during the term of this Agreement.

The activities of any Subcontractor shall be monitored to ensure, *inter alia*, that grant funds are used only for authorized purposes in compliance with this Agreement, including but not limited to specific program requirements, and that performance goals are achieved as specified in the Work.

16. Remedies

- a. If the County determines, in its sole discretion, that Subrecipient has failed to comply timely with any material obligation under this Agreement, including but not limited to any County directive or term of a corrective action plan, County may, exercise any remedy available to it under this Agreement, applicable law, or otherwise. Such remedies may include, but are not limited to: (a) terminating any part or all of this Agreement; (b) withholding and/or reducing grant funds; (c) disallowing costs; (d) suspending and/or recouping payments; (e) appointing a receiver for the receipt and administration of grant funds under this Agreement; (f) requiring corrective action as it may determine to be appropriate; (g) bringing suit or action in an appropriate forum for the enforcement of this Agreement and any remedy, as well as the recovery of damages, including by temporary restraining order, injunction, specific performance or otherwise; (h) debarring or otherwise limiting Subrecipient's eligibility for other funding from County; (i) instituting criminal action for misstatements or fraud; and (j) requesting investigation, audit and/or sanction by other governmental bodies.
- b. The rights and remedies of the County provided in this Section shall not be exclusive and are in addition to any other rights and remedies provided under this Agreement, by law, or otherwise. Except as expressly stated herein, this Section also does not limit Subrecipient's remedies provided under this Agreement, by law, or otherwise, but Subrecipient acknowledges and agrees that any such remedies are subject to Article XI, Section 7 of the Oregon Constitution, the Oregon Tort Claims Act, and the terms and conditions of any other applicable provision of this Agreement.
- c. No failure or delay by the County to enforce any provision of this Agreement shall constitute a waiver by the County of that or any other provision, nor shall any single or partial exercise of any right, power or privilege under this Agreement preclude any other or further exercise of such right, power or privilege or the exercise of any other right, power or privilege.
- d. Remedies provided under this Agreement or otherwise shall survive termination of this Agreement.

17. Expenditures Properly Supported

Expenditures and Requests for Funds shall be supported by Subrecipient with properly executed payroll and time records, invoices, contracts, vouchers, orders, canceled checks and/or any other accounting documents pertaining in whole or in part to the Agreement (or in the case of Subcontractors, under their

respective contracts with Subrecipient) in accordance with generally accepted accounting principles and applicable state and federal requirements, including as specified herein. The County may require such other information or clarification as it deems necessary or appropriate in its sole discretion.

18. Unallowable Costs and Lobbying Activities

Subrecipient shall review and comply with the allowable costs and other provisions applicable to expenditures under the grant programs covered by this Agreement. Subrecipient shall, among other obligations, comply with the provisions prohibiting the expenditure of funds for lobbying and related activities, whether in 2 CFR 200, or otherwise, as such provisions may be modified from time to time. If Subrecipient makes expenditures or incurs costs for purposes or amounts inconsistent with the allowable costs or any other provisions governing expenditures under this Agreement, the County may exercise any and all remedies under this Agreement, at law or otherwise that it deems, in its sole discretion, to be necessary or appropriate.

19. Disallowance of Costs

The County neither is responsible for nor shall it pay for any costs disallowed (a Disallowance of Costs) either upon a Request for Funds or as a result of any audit, review, site visit, or other disallowance action by the County except for costs incurred by Subrecipient solely due to the willful misconduct or gross negligence of the County, its employees, officers or agents. If a cost is disallowed by the County after reimbursement has occurred, Subrecipient shall repay all disallowed costs to the County upon written notice within the time frame specified by the County, which in no event shall exceed thirty (30) days.

Subrecipient shall cooperate and shall cause its Subcontractors to cooperate with the County and all appropriate investigative agencies and shall assist in recovering invalid payments.

20. Records Maintenance

Subrecipient shall, and shall require and cause its Subcontractors to, prepare and maintain such records as necessary for performance of and compliance with the terms of this Agreement, which in no event will be less than six (6) years after the termination of this Agreement.

Subrecipient and its Subcontractors shall retain all records pertinent to expenditures incurred under this Agreement and otherwise in a manner consistent with the requirements of state and federal law. Notwithstanding the above, if there is litigation, claims, audits, negotiations, or other action that involves any of the records cited, then such records must be retained until final completion of such matters.

21. Records Access

The County, State of Oregon, U.S. Treasury, and to any oversight body, including but not limited to Government Accountability Office, Treasury's Office of Inspector General, or any applicable audit agencies of the U.S. Government and the duly authorized representatives of such entities shall have free access to and the right to copy all or any part of the books, documents, papers, audits and records of Subrecipient and its Subcontractors which are related to this Agreement as they deem appropriate, including without limitation, for the purpose of making audit, examination, excerpts, and transcripts and copies. These records are the property of the County who may take possession of them at any time after three (3) business days' notice to Subrecipient or Subcontractor, as the case may be. Subrecipient or Subcontractor may retain copies of all records taken by the County under this Section.

In its agreements with Subcontractors, Subrecipient shall require and cause its Subcontractors to comply with the requirements of this Section 23 and to grant right of access to and ownership by the County of the subrecipients' books and records related to this Agreement.

22. Audits

If Subrecipient expends \$750,000 or more in federal funds (from all sources) in a fiscal year, Subrecipient shall have a single organization-wide audit conducted in accordance with the provisions of guidance at 2 CFR Part 200 Subpart F and other applicable federal regulations, if any.

23. Subcontractor Agreements

The County shall approve all subcontractors prior to Subrecipient entering into subcontractor agreements. Subrecipient shall ensure all subcontractors are selected through procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. Subrecipient shall require and cause its subcontractors to comply with all applicable provisions of this Agreement and its exhibits between the County and Subrecipient, each of which must be specifically incorporated into the Subcontractor contracts in a manner satisfactory to the County.

Subrecipient shall require and cause that all its subcontractor agreements related to this Agreement must include language specifying that such agreements are subject to termination upon such a directive to Subrecipient by the County and that the County shall not be liable to any of the parties of that agreement or to other persons for directing that such agreement be terminated.

Subrecipient shall have a written contract with each subcontractor that is listed in and consistent with the Subrecipient's Work that identifies:

- a. The services that the Subcontractor must provide related to the project.
- b. The laws and regulations with which the Subcontractor must comply under the terms of the agreement (including but not limited to program specific requirements such as eligibility criteria, public policy for protecting civil rights and the environment, Subcontractor government-wide administrative mandates affecting the Subcontractor's accounting and record keeping systems, and local laws imposed by Subrecipient).
- c. The Subrecipient's and the County's monitoring rights and responsibilities and the methods used by Subrecipient for monitoring.
- d. A provision to certify that the Subcontractor is an independent contractor and not an agent of the County or of Subrecipient.
- e. Subrecipient may enter into agreements with contractors or subcontractors (collectively, "Subcontracts") for performance of the Project.

Recipient shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the County and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Subrecipient's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims.

- f. Subrecipient shall include Exhibits B, D, E, F, and G on all procurement and contract documents and require all contractors or subcontractors to comply.

24. Insurance and Workers Compensation

Each party shall insure or self-insure and be independently responsible for the risk of its own liability for claims within the scope of the Oregon tort claims act (ORS 30.260 TO 30.300).

Subrecipient agrees that insurance coverage, whether purchased or by self-insurance, for Subrecipient's agents, employees, officers and/or subcontractors is the sole responsibility of Subrecipient.

25. Subrecipient Status

Subrecipient shall perform all work under this Agreement as an independent contractor. Subrecipient is not an officer, employee or agent of the County, with respect to work performed under this Agreement.

Subrecipient certifies that it is not employed by or contracting with the federal government for the work covered by this Agreement.

26. Captions

The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this Agreement.

27. Severability

If any term or provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision thereof.

28. Execution and Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

29. Grant Funds

Grant funds are used in conjunction with this Agreement. Subrecipient assumes sole liability for breach of the conditions of the grant (including all terms and conditions of this Agreement) by Subrecipient or by any of its Subcontractors, agents or assigns and shall, upon breach of grant conditions that require the County to return funds to the grantor, whether such breach is by Subrecipient or by any of its Subcontractors, agents or assigns, hold harmless and indemnify the County for an amount equal to the grant funds received under this Agreement together with any additional damages resulting to the County; or if there are legal limitations on the indemnification ability of the Subrecipient, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount of grant funds received under this Agreement

30. Indemnity

Subrecipient shall defend, save, indemnify, and hold harmless the County, its officers, agents, and employees from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever, including attorney fees, resulting from, arising out of, or relating to the activities of Subrecipient or its officers, employees, Subcontractors, subcontractors, or agents under this Agreement. Subrecipient shall have control of the defense and settlement of any claim that is subject to this section. However, neither Subrecipient nor any attorney engaged by Subrecipient shall defend the claim in the name of either County or any department of County, nor purport to act as legal representative

of either County or any of its departments, without first receiving from County Legal Counsel authority to act as legal counsel for the County, nor shall Subrecipient settle any claim on behalf of County without the approval of County Legal Counsel. County may, at its election and expense, assume its own defense and settlement.

31. Subrecipient Procurements

Subrecipients are responsible for ensuring that any procurement using ARPA/SLFRF funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. All procurement transactions for property or services must be conducted in a manner providing full and open competition. Subrecipient must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

32. Prevailing Wage

If this project meets the requirements under U.S. Treasury's FAQ dated April 27, 2022, section 6.15, the Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with ARPA awarded funds. Subrecipients and Subcontractor(s) may be otherwise subject to the requirements of Davis-Bacon Act, when APRA funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. State of Oregon Prevailing Wage Laws will apply to these funds.

- a. The prevailing wage rate requirements that may apply to the Project are set forth in ORS 279C.800 through 279C.870, the administrative rules promulgated thereunder (OAR Chapter 839, Division 25) and Oregon Laws 2021, chapter 678, section 17 (collectively, state "PWR"), or, if applicable, 40 U.S.C. 3141 et seq. (federal "Davis-Bacon Act"). If applicable, Recipient shall:
 - i. comply with PWR, require its contractors and subcontractors to pay the applicable PWR or Davis-Bacon Act rates, as applicable, and to comply with all other Oregon Bureau of Labor and Industries ("BOLI") requirements pursuant to the PWR, including on all contracts and subcontracts and in filing separate public works bonds with the Construction Contractors Board;
 - ii. pay to BOLI, within the required timeframe and in the appropriate amount, the project fee required by OAR 839-025-0200 to 839-025-0230, including any additional fee that may be owed upon completion of the Project; and
 - iii. unless exempt under Section 17(2) of Oregon Laws 2021, chapter 678, if Recipient is a "public body" and the Project is a "qualified project," as those terms are defined in Section 17(3) of Oregon Laws 2021, chapter 678, Recipient shall require each contractor in a contract with an estimated cost of \$200,000 or greater to:
 - 1) Enter into a project labor agreement that, at a minimum, provides for payment of wages at or above the prevailing rate of wage;
 - 2) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable occupations perform under the contract, in a manner consistent with the apprentices' respective apprenticeship training programs;
 - 3) Establish and execute a plan for outreach, recruitment and retention of women, minority individuals and veterans to perform work under the contract, with the aspirational target of

having at least 15 percent of total work hours performed by individuals in one or more of those groups; and

- 4) Require any subcontractor engaged by the contractor to abide by the requirements set forth in subparagraphs (i), (ii) and (iii) above, if the work to be performed under the subcontract has an estimated cost of \$200,000 or greater.
- b. Recipient represents and warrants that it is not on the BOLI current List of Contractors Ineligible to Receive Public Works Contracts and that it will not contract with any contractor on this list.
- c. Pursuant to ORS 279C.817, Recipient may request that the Commissioner of BOLI make a determination about whether the Project is a public works on which payment of the prevailing rate of wage is required under ORS 279C.840.

33. Attorney Fees

In the event a lawsuit of any kind is instituted on behalf of the County or the Subrecipient with respect to this Agreement, or any right or claim related thereto, including but not limited to the collection of any payment due under this Agreement or to obtain performance of any kind under this Agreement, the prevailing party is, to the extent permitted by law, entitled to its reasonable attorney fees incurred before and during trial, on appeal, in arbitration, in bankruptcy, and in such other forum or proceeding appropriate thereto, together with such additional terms as the court or hearings officer may adjudge for reasonable costs and disbursements incurred therein. Reasonable fees shall not exceed the rate charged to the County by its attorneys.

34. Time is of the Essence

Time is of the essence in the performance of all under this Agreement.

35. No Limitations on Actions of The County in Exercise of Its Governmental Powers

Nothing in this Agreement is intended, nor shall it be construed, to in any way limit the actions of the County in the exercise of its governmental powers. It is the express intention of the parties hereto that the County shall retain the full right and ability to exercise its governmental powers with respect to the Subrecipient, the grant funds, and the transactions contemplated by this Agreement to the same extent as if it were a party to this Agreement, and in no event shall the County have any liability in contract arising under this Agreement by virtue of any exercise of its governmental powers.

36. Amendments

This Agreement may be amended only by a written instrument executed by the parties or by their successors.

37. Merger Clause

This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

No waiver, consent, modification or change of terms of this Agreement shall bind all parties unless in writing and signed by both parties and all necessary the County approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of the County to enforce any provision of this Agreement shall not constitute a waiver by the County of that or any other provision.

38. CERTIFICATIONS AND SIGNATURE OF SUBRECIPIENT'S AUTHORIZED REPRESENTATIVE

THIS AGREEMENT MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF SUBRECIPIENT.

The undersigned certifies under penalty of perjury both individually and on behalf of Subrecipient that:

- a. The undersigned is a duly authorized representative of Subrecipient, has been authorized by Subrecipient to make all representations, attestations, and certifications contained in this Agreement and to execute this Agreement on behalf of Subrecipient;
- b. By signature on this Agreement for Subrecipient, the undersigned hereby certifies under penalty of perjury that the undersigned is authorized to act on behalf of Subrecipient and that Subrecipient is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means all tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318.
- c. To the best of the undersigned's knowledge, Subrecipient has not discriminated against and will not discriminate against minority, women or emerging small business enterprises certified under ORS 200.055 in obtaining any required subcontracts.
- d. Subrecipient is bound by and will comply with all requirements, terms and conditions contained in this Agreement; and
- e. Subrecipient further certifies to having a formal statement of nondiscrimination in employment policy.

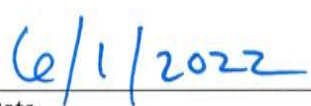
SIGNATURE PAGE

SUBRECIPIENT, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT SUBRECIPIENT HAS READ THIS AGREEMENT, UNDERSTANDS IT, HAS THE LEGAL AUTHORITY TO BIND, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

Authorized Signature: _____
 Title: _____
 Name (Type or Print): _____
 Date: _____
 Telephone Number: _____
 Email Address: _____
 Subrecipient Address: _____

Primary Contact Person (Type or Print): _____
 Primary Contact Telephone Number: _____
 E-Mail Address: _____
 Fiscal Contact Name (Type of Print): _____
 Title: _____
 Email Address: _____

**MARION COUNTY SIGNATURES
 BOARD OF COMMISSIONERS:**

 
 Chair Date
 
 Commissioner Date
 
 Commissioner Date

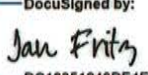
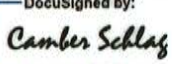
Authorized Signature:	 DocuSigned by: DC16351248DE4EC...	5/19/2022
	Chief Administrative Officer	Date
Reviewed by Signature:	 DocuSigned by: D0CFC5B04B9F483...	5/19/2022
	Marion County Legal Counsel	Date
Reviewed by Signature:	 DocuSigned by: C5B2F3DF257F444...	5/19/2022
	Marion County Contracts & Procurement	Date

**EXHIBIT A
THE APPLICATION**

[The Application on Next Page]



2021 MARION COUNTY ARPA FUNDS APPLICATION ROUND 1

Organization Name: City of Keizer, Oregon

Project Title: Two Athletic Fields at Keizer Rapids Park

ARPA Funding Category: 2.11, 2.12 and 2.13

I. Organization Information

Legal Name of the Organization: * City of Keizer, Oregon

Doing Business As (DBA) Name (if applicable): _____

Employer Identification Number (EIN): * 93-0836902

DUNS Number: ** 038038147

**Organization must be able to obtain a DUNS Number by the time the Contract is executed

Organization Street Address: * 930 Chemawa Rd NE

City: Keizer State: OR Zip Code: 97303

Organization Mailing Address: _____
(if different from street address)

City: _____ State: _____ Zip Code: _____

Organization Website: * www.keizer.org
(Please enter "N/A" if none)

Applicant Name: * Tim Wood

Applicant Title: * Finance Director

Applicant Mailing Address: _____
(if different from organization mailing address)

City: _____ State: _____ Zip Code: _____

Applicant Phone: * (503) 856-3413 Applicant E-mail: * woodt@keizer.org

Project Contact: _____
(If different from applicant)

Project Contact Phone: (_____) _____ Project Contact E-mail: _____

* Response required for application to be considered complete

II. Project Information *(not exceed a total of 25 single-sided, 8.5" x 11" numbered pages)*

1. Describe the organization that will manage the project and include the following:

- a. Total estimated project budget**
- b. Estimated start date and completion dates**
- c. List the project team. Include the name, title, employer, and a high-level overview of their role in the project.**

The Organization:

The City of Keizer, Oregon (City) is a financially independent entity located in Marion County in the center of the Willamette Valley. The City is bordered on the western edge by the Willamette River, southern edge by the city of Salem, eastern edge by Interstate 5, and the northern edge by rural portions of Marion County. The City was incorporated in 1982 and operates under a charter that was adopted and has been periodically updated by the voters. The City of Keizer is the 14th largest city by population (38,585 residents as of July 1, 2021) in the state of Oregon.

The City provides basic services. These services include police, municipal court, street construction and maintenance, water reservoirs, wells and water lines, storm drainage, land use planning and zoning, public improvements, parks and administrative services. The City contracts with the City of Salem, Oregon for maintenance of its sanitary sewer system. The City has approximately 100 full time employees.

The City's Parks Department, which consists of four full time employees, is responsible for managing and maintaining the following:

- Regional Park (1) 148 acres
- Community Park (1) 16.4 acres
- Neighborhood Parks (7) 32.9 acres
- Special Use Parks (6) 30 acres
- Natural Areas (4) 18.8 acres
- 9 Playgrounds and 13 Open Turf Fields
- 58 Picnic Tables and 7 Picnic Shelters
- 16 Ball Diamonds and 7 Sports Courts

The City is in the final stages of updating the Parks and Recreation Master Plan through which it was identified that there is a strong desire to add a greater variety of recreation opportunities to the park system, including additional sport fields at Keizer Rapids Park.

Keizer Rapids Park is a regional or large "destination park" designed for large groups, intensive use and longer stays. The park includes on-site parking, permanent restrooms and similar support amenities for longer visits. The developed portion of the park is anticipated to include three multi-use rectangular sports fields to support soccer, rugby, and football.

The Request:

The City is submitting this application requesting approximately \$4.2 million in ARPA related grant funding to build up to two all-weather turf multi-use rectangular sports fields and additional on-site parking at Keizer Rapids Park.

The project is anticipated to start in April/May 2023 and conclude by September/October 2023 (depending upon material and contractor availability).

The project will be managed by the following City employees:

- Bill Lawyer, Public Works Director – responsible for managing the third-party engineers and contractors constructing the fields
- Tim Wood, Finance Director – responsible for financial and regulatory compliance monitoring and reporting

2. Describe the project need and the impact the project will have on the local community and Marion County.

The worldwide COVID-19 pandemic affected many aspects of everyday life since 2020, with the early stay-at-home orders significantly limiting community gatherings. During this time, parks played a significant role in supporting the need for physical movement and exercise. Individual or small group recreation opportunities are categorized by the CDC as essential activities for community health.

The majority of existing sports fields in the City are ballfields for baseball and softball however the City is highly deficient in the availability of rectangular sports fields that support activities such as soccer, rugby, football, and lacrosse. In addition, all of the City's existing fields are open turf and not available for year-round use.

The addition of up to two all-weather turf multi-use rectangular sports fields at Keizer Rapids Park would be a significant investment in the park system that would promote a healthier living environment, outdoor recreation and socialization opportunities to mitigate the spread of COVID-19.

The fields would be available year-round to serve the residents of Keizer, Salem, Marion County and others attracted to the large regional park.

3. Describe the project proposal to be accomplished. Identify each project element and include a timeline and key team member(s) who will work on the project.

The proposed timeline (dependent upon material and contractor availability):

- April/May 2023 – Project engineering (City Engineer)
- June/July 2023 – Project bid solicitation process (Public Works and Finance Director)
- August - October 2023 – Site prep and construction (Third party contractor and Public Works Director)

4. Describe how the project meets the ARPA eligible categories and the specific category requirements according to U.S. Treasury Guidelines, see [State and Local Fiscal Recovery Funds \(marion.or.us\)](https://www.co.marion.or.us/BOC/CD/Pages/fiscalrecoveryfunds.aspx). <https://www.co.marion.or.us/BOC/CD/Pages/fiscalrecoveryfunds.aspx>

a. Describe how the project meets the ARPA period of performance.

The United States Treasury Department's Frequently Asked Question (FAQ) 2.18 that addresses "Negative Economic Impacts related to household assistance, job training, tourism, travel or hospitality and other impacted industries" indicates that investing in outdoor recreation spaces is an

allowable expense if it is responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19.

Keizer Rapids Park as a regional park serves the needs of South East Keizer and North East Salem that are considered Qualified Census Tracts as such the additional amenities would serve those who live in disproportionately impacted communities by providing outdoor recreation and socialization opportunities.

5. Is this project included in an adopted City/County or organization's plan or another documented community need? For example: City Infrastructure Master Plan, City Economic Development Plan, City Transportation Plan or City Strategic Plan, etc.

The City's Parks Master Plan, which is scheduled to be adopted December 2021, includes recreational sport fields at Keizer Rapids Park.

6. Describe the organization's experience as a subrecipient. Describe the capacity to successfully manage and submit reporting requirements for the proposed project as a subrecipient of federal awards.

The City has significant experience as a subrecipient of federal awards, specifically the City has been successfully managing and meeting the quarterly and annual reporting requirements associated with a Department of Energy Efficiency and Conservation Block grant received in 2011.

In addition, the Keizer, as a non-entitlement unit, will be responsible for managing and meeting similar reporting requirements for the \$8.8 million in SLFRF received as part of the ARPA.

To assist in meeting the reporting requirements the City utilizes one of the leading governmental software packages to capture, consolidate and report financial activity.

7. Identify and describe partnerships the organization has secured to assist with the project?

The City will be working with the City's third-party engineering firm AKS Engineering & Forestry, LLC (AKS). AKS is familiar with the City's operations and has recent experience with similar projects. AKS will assist with the project engineering, bidding, project management, and inspection processes.

8. Describe how the operations will be funded after the project is complete.

The ongoing operation costs will primarily be repairs and maintenance which will be funded by the City's Park Services Fee and field reservation fees. The repairs and maintenance costs will also be subject to the City's annual budgeting process.

9. Identify and describe other Federal, State, or local government funding the organization has applied for, including ARPA funds from governments. Include the source(s) and amount(s) applied for, and any awards received.

The City is a non-entitlement unit and has been allocated \$8.8 million in State and local Fiscal Recovery Funds (SLFRF) of which \$4.4 million was received in August 2021.

In addition, the Keizer was allocated an additional \$850,000 in ARPA related funds from the State of Oregon as part of Oregon House Bill 5006.

10. Identify and describe other non-governmental funding sources (e.g. fees, donations, grants) the organization has applied for. Include the source(s) and amount(s) applied for, and any awards received.

The City has not applied for any non-governmental funding sources for this project.

11. If the total ARPA funding request is not granted, how will the organization be able to complete the project?

If the total ARPA funding request is not granted, the Keizer will delay the project until adequate funds are available through the City's Park Services Fee.

12. Describe how the project will meet project deadlines – include engineering. Identify any reports or other information related to the project such as completed engineering, architectural, or design studies or other technical studies required for the project. Identify the name and a brief description of the completed study. Marion County will request copies of these studies during the technical review period.

The project will include the following deliverables that will include negotiated completion dates to ensure the project meets the required timelines:

- Engineering report,
- Request for bid solicitation materials,
- Construction contract, and
- Final inspection report

13. Provide any additional information related to the project.

No Additional Information deemed necessary

Attachment 1. Attestation Form

APPLICANT NAME: Tim Wood

ADDRESS: 930 Chemawa Rd NE, Keizer, OR 97303

TELEPHONE NUMBER: 503-856-3413 EMAIL: woodt@keizer.org WEB SITE: www.keizer.org

TAXPAYER ID NUMBER: 93-0836902 DATE/STATE OF INCORPORATION: 1982/OR

BUSINESS DESIGNATION: ☐ Corporation ☐ Sole Proprietor ☐ Partnership
☐ S Corporation ☐ Non-Profit ☒ Government
☐ Other: _____

CERTIFICATION/LICENSE NUMBER: _____

The undersigned further acknowledges, attests and certifies individually and on behalf of the Applicant that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the county; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Applicant acknowledges receipt of all Addenda issued under the Application.
4. The Applicant certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Applicant, acting through its authorized representative, has read and understands all Application instructions, specifications, and terms and conditions contained within the Application and all Addenda, if any;
6. The Applicant agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the Application, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the Application, and Applicant has made no assumptions based upon either (a) verbal or written statements not contained in the Application, or (b) any previously-issued Application, if any.
8. The Applicant agrees that if awarded the Agreement, Applicant shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Application Form is a duly authorized representative of the Applicant, has been authorized by Applicant to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Applicant.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Applicant that all contents of this Application Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the Application may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY

MATTERS - The Applicant certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;
2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;

5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Applicant is unable to certify to any of the statements in this certification, Applicant shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Applicant from award of an agreement under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS APPLICATION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE APPLICANT; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF APPLICANT'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: Timothy E. Wood

Print Name: Timothy E. Wood

Title: Finance Director

Contact Person (Type or Print): _____

Telephone Number: (503) 856-3413

Email: wood@kaiser.org

The Applicant will notify the County representative on the cover page of this Application within 30 days of any change in the information provided on this form.

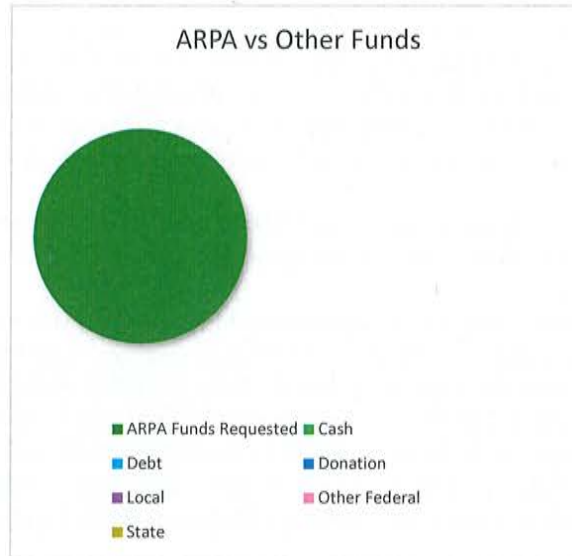
Project Budget - Keizer

Please provide a line item detailed budget for the project for the months of **October 2021 through December 2024**.

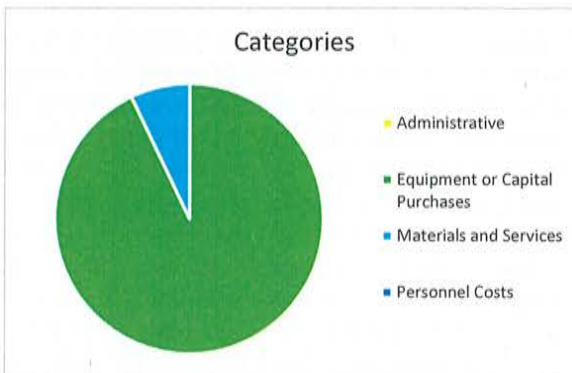
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Project Budget Summary - Keizer

Total Project Budget	\$ 4,200,000.00
ARPA Funds Requested	\$ 4,200,000.00
Other Funds	\$ -
Cash	\$ -
Debt	\$ -
Donation	\$ -
Local	\$ -
Other Federal	\$ -
State	\$ -



Total Project Budget	\$ 4,200,000.00
Categories	
Administrative	\$ -
Equipment or Capital Purchases	\$ 3,900,000.00
Materials and Services	\$ 300,000.00
Personnel Costs	\$ -



Total Project Budget	\$ 4,200,000.00
Internal	\$ -
External	\$ 4,200,000.00

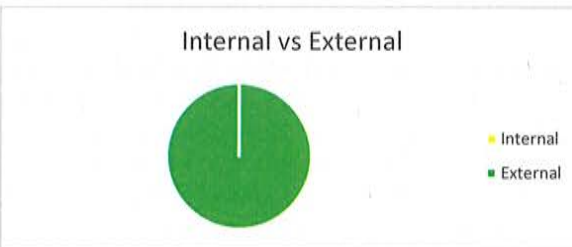


EXHIBIT B
APPENDIX II TO PART 200—CONTRACT PROVISIONS FOR NON-FEDERAL
ENTITY CONTRACTS UNDER FEDERAL AWARDS

- Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Control Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.
- Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These

requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or Subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- See §200.322 Domestic preference for procurements.
- Audit Requirements of 2 CFR §200.5XX (Subpart F)
 - Subrecipient must comply, and require any subcontractor to comply, with applicable audit requirements and responsibilities set forth in this Agreement and applicable state or federal law.
 - If Subrecipient expends federal awards in excess of \$750,000 in a fiscal year, Subrecipient is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Copies of all audits must be submitted to the County within 30 days of completion.
 - Subrecipient must save, protect and hold harmless the County from the cost of any audits or special investigations performed by the Secretary of State with respect to the funds expended under this Agreement. Subrecipient acknowledges and agrees that any audit costs incurred by Subrecipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement

under this or any other agreement between Subrecipient and the County.

- System for Award Management. Subrecipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining current information in SAM. Subrecipient must also comply with applicable restrictions on subawards ("subgrants") to first tier subcontractors (first-tier "Subcontractors"), including restrictions on subawards to entities that do not acquire and provide (to the County) the unique entity identifier required for SAM registration.
- Whistleblower Protection Act. Subrecipient must comply and ensure the compliance by subcontractors, with 41 U.S.C. 4712, Program for Enhancement of Employee Whistleblower Protection. Subrecipient must inform subcontractors, contractors and employees, in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC § 4712.
- See § 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.
- See § 200.323 Procurement of recovered materials.
- Recordkeeping Requirements. Subrecipient must maintain records and financial documents for five years after all funds have been expended or returned to the County. The County may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.
- Subrecipient must agree to provide or make available such records to the County upon request, and to the Government Accountability Office ("GAO"), U.S. Treasury's Office of Inspector General ("OIG"), and their authorized representative in order to conduct audits or other investigations.
- Civil Rights Compliance. Recipients of Federal financial assistance from the U.S. Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the U.S. Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Subrecipient's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Subrecipient's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Subrecipient implementing regulations at 31 CFR part 23.
- In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, U.S. Treasury will collect and review information from non-Tribal recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. U.S. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). U.S. Treasury may request that recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status. This collection does not apply to Tribal

governments.

- Real Property, Equipment and Other Capital Expenditures. County shall, and shall cause its Subrecipients to, maintain policies and procedures for the management of property and equipment that comply with all requirements of the applicable Uniform Guidance at 2 CFR Part 200, Subpart D, 2 CFR Part 200.310 to 200.316 and 200.439, and specific requirements of the source of funds. These regulations shall apply to all real property, equipment, and other capital expenditures purchased with the federal funding.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]

Exhibit C – Federal Funding Information For Subrecipients

As Required By 2 CFR 200.331(a)¹

1. Federal Award Identification	
(i) Subrecipient Name:	City of Keizer
(ii) Unique Entity ID #:	L9JVKCZWW565
(iii) Federal Award Identification Number (FAIN):	
(iv) Federal Award Date:	3/11/2021
(v) Subaward Period of Performance (Start & End Date):	3/3/21 - 12/31/26
(vi) Amount of Federal Funds Obligated by this Agreement:	
(vii) Total Amount of Federal Funds Obligated to Subrecipient by Pass-Through Entity (PTE), including this agreement:	\$2,000,000
(viii) Total Amount of Federal Award committed to Subrecipient by PTE:	\$2,000,000
(ix) Federal Award Project Description:	2-Negative Economic Impacts - Strong and Healthy Communities
(x) Identify the following:	
a) Federal awarding agency	U.S. Treasury
b) Pass-Through Entity,	Marion County, Oregon
c) Contact info for awarding official:	Jan Fritz, CAO
(xi) Identify Program Information	
a) Assistance Listing #:	21.027
b) Program Name:	Coronavirus State and Local Fiscal Recovery Funds
c) Is the award Research & Development? (Yes/No)	No
d) Indirect Cost Rate for Federal award:	None
2. Subrecipient Indirect Cost Rate	
Indirect cost rate passed through to subrecipient:	N/A
3. Additional Requirements or Comments (if any)	
Monitoring Requirements are included in Section 15 of this agreement.	
¹Subrecipient will comply with Federal statutes, regulations and terms and conditions of the Federal award in accordance with 2 CFR 200.331 (a)(2). Subrecipient will permit the pass-through entity and auditors to have access to subrecipient's records and financial statements as necessary for the PTE to meet requirements of 2 CFR 200.331 (a)(5). Subrecipient will also permit the pass-through entity to have access to subrecipient's records for monitoring the activities of the subrecipient, as necessary, to ensure that the subaward is used for the authorized purposes. Such monitoring will include reviewing the financial and performance reports required by the pass-through entity as well as following up and ensuring the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient in order to meet the requirements of 2 CFR 200.331(d).	

Federal Funding Accountability and Transparency Act (FFATA) Certification*

Organization Name:	City of Keizer	CMS Number:	BO-4567-22

Did your organization have a gross income, from all sources, of less than \$300,000 in your previous tax year?

- ☐ Yes (Skip questions "A" and "B" and finish the certification)
- ☐ No (Proceed to questions "A" and "B")

A. Certification Regarding % and Amount of Annual Gross Revenue from Federal Awards

Did you organization (1) receive 80% or more of its annual gross revenue **AND** (2) \$25 million or more from federal awards and contracts during the preceding fiscal year?

- ☐ Yes If "Yes," proceed to question "B".
- ☐ No If "No," skip question "B" and finish the certification.

B. Certification Regarding Public Access to Compensation Information.

Does the public have access to information about the compensation of the senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

- ☐ Yes If "Yes", where can this information be accessed?
- ☐ No If "No", you must provide the names and total compensation of the top five highly compensated executives below. (For example: *John Blum: \$500,000; Mary Redd: \$50,000; etc.*)

1 _____	\$ _____
2 _____	\$ _____
3 _____	\$ _____
4 _____	\$ _____
5 _____	\$ _____

As the duly authorized representative (Signor) for the Organization, I hereby certify that the statements made by me in this certification form are true, complete and correct to the best of my knowledge.

Print Name of Authorized Representative

Print Title of Authorized Representative

Signature of Authorized Representative

Date

Federal Funding Accountability and Transparency Act (FFATA) Certification***Background on FFATA Requirements**

Under the requirements of the Federal Funding Accountability and Transparency Act (Pub. L. No. 109-282), as amended by Section 6202 of Public Law 110-252, that are codified in 2 CFR Part 170, direct recipients of federal grants or cooperative agreements are required to report first-tier subawards and subcontracts of \$30,000 or more to the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS).

Organizations that are requested to complete the FFATA Certification have been identified by Marion County as either a first tier subaward or subcontract and therefore, FFATA requirements are applicable.

Definition of Compensation

Total compensation means the cash and noncash dollar value earned by the executive during the Organizations preceding fiscal year and includes the following: (1) Salary and bonus; (2) Awards of stock, stock options, and stock appreciation rights; (3) Earnings for services under non-equity incentive plans; (4) Change in pension value; (5) Above-market earnings on deferred compensation which is not tax-qualified; and (6) Other compensation, as further defined in FAR 52.204-10(a) and 17 CFR 229.402(c)(2).

**Organizations that receive first tier subawards or subcontracts >\$30,000 are required to comply with FFATA requirements per 2 CFR Part 170 and FAR 52.204-10.*

Exhibit E

**American Rescue Plan Act (ARPA) /
Coronavirus State and Local Fiscal Recovery Funds (SLFRF)
Capital Expenditure Justification Form**

Purpose: To ensure recipient complies with the terms, conditions and requirements of the U.S. Treasury 31 CFR Part 35 SLFRF Final Rule. Recipients must complete and meet the requirements of a written justification for capital expenditures equal to or greater than \$1 million.

Capital Expenditures: Per the Uniform Guidance 2 CFR 200.1, the term "*capital expenditures*" means "expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life."

Organization Name:	City of Keizer	
Organization Contact Completing Form:		
Date:		
Project Name:	2 Athletic Fields at Keizer Rapids Park	
Expenditure Category:	2.37 Economic Impact Assistance: Other	
Type of Capital Expenditure ¹ :	Parks, green spaces, recreational facilities, sidewalks	
Specify "Other" Expenditure Type:		
Project Amount:	\$	2,000,000
Project Threshold Per Table 1:	\$1M to < \$10M	
CMS # (Marion County to Complete)	4567	

Black shaded cells DO NOT need to be filled out.

1 Describe the harm or need to be addressed.

2 Explanation of why a capital expenditure is appropriate. *(For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.)*

3 Was there a comparison performed of the approved capital project against at least two alternative capital expenditures?

☐ YES

☐ NO

a) If yes, please demonstrate why the approved capital expenditure is superior.

b) If no, please explain why.

¹ Coronavirus State and Local Fiscal Recovery Funds Project and Expenditures Report User Guide - Appendix H

Marion County to complete this section

Grant Reviewer:

Date Reviewed:

Comments:

Table 1 (U.S. Treasury Final Rule, General Provisions: Other, b. Capital Expenditures)

If a project has total expected capital expenditures of	and the use is enumerated in (b)(3), then	and the use is not enumerated in (b)(3), then
Less than \$1 million	No Written Justification required	No Written Justification required
Greater than or equal to \$1 million, but less than \$10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regular reporting to Treasury
\$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	

EXHIBIT F

ARPA/SLFRF REPORTING REQUIREMENTS FORM

A.1 Project and Expenditure Report

Department shall complete the Project and Expenditure Report as outlined in the Project and Expenditure Report User Guide dated April 1, 2022, according to the awarded eligibility category. The Board and Designee shall provide the Project and Expenditure Report template to the Department no later than June 15, 2022. Once the Department's total project expenditures have been occurred and the project has completed, a final report shall be submitted, and quarterly reporting requirements will no longer be required.

Project and Expenditure Reports are due according to the following table:

Report	Year	Quarter	Period Covered	Due Date
1	2022	2	Project Commence – June 30	July 15, 2022
2	2022	3	July 1 – September 30	October 15, 2022
3	2022	4	October 1 – December 31	January 15, 2023
4	2023	1	January 1 – March 31	April 15, 2023
5	2023	2	April 1 – June 30	July 15, 2023
6	2023	3	July 1 – September 30	October 15, 2023
7	2023	4	October 1 – December 31	January 15, 2024
8	2024	1	January 1 – March 31	April 15, 2024
9	2024	2	April 1 – June 30	July 15, 2024
10	2024	3	July 1 – September 30	October 31, 2024
11	2024	4	October 1 – December 31	January 15, 2025
12	2025	1	January 1 – March 31	April 15, 2025
13	2025	2	April 1 – June 30	July 15, 2025
14	2025	3	July 1 – September 30	October 15, 2025
15	2025	4	October 1 – December 31	January 15, 2026
16	2026	1	January 1 – March 31	April 15, 2026
17	2026	2	April 1 – June 30	July 15, 2026
18	2026	3	July 1 – September 30	October 15, 2026
19	2026	4	October 1 – December 31	March 15, 2027

A.2 Recovery Plan Performance Report

Department shall complete the Recovery Plan Performance Report. The Board and designee shall provide the Recovery Plan Performance Report template to the Department no later than June 15, 2022.

Recovery Plan Performance Reports are due according to the following table:

Report	Period Covered	Due Date
1	Award Date – June 30, 2022	July 15, 2022
2	July 1, 2022 – June 30, 2023	July 15, 2023
3	July 1, 2023 – June 30, 2024	July 15, 2024
4	July 1, 2024 – June 30, 2025	July 15, 2025
5	July 1, 2025 – June 30, 2026	July 15, 2026
6	July 1, 2026 – December 31, 2026	March 15, 2027

A.3 Federal Funding Accountability and Transparency Act Certification

Department shall require its contractor(s) and subcontractor(s), to complete and include Exhibit

D. Federal Funding Accountability and Transparency Act Certification as part of the contract.

A.4 ARPA/SLFRF Capital Expenditure Justification Form

Department shall require its contractor(s) and subcontractor(s) to complete and include Exhibit E.

ARPA/SLFRF Capital Expenditure Justification Form as part of the contract.

Exhibit G - Marion County Disbursement Request



Recipient:

Project Name:

Funding Program:

Assistance Listing (CFDA#):

Project Number:

Date:

Final Draw? ☐ Yes ☐ No

Reporting Period:

to

(A)	Marion County Funds (Enter Whole Dollars Only)				Other / Matching Funds (Enter Whole Dollars Only)				All Funds	
	(B)	(C)	(D)	(E) = [B-C-D]	(F)	(G)	(H)	(I) = [F-G-H]	(J) = [C+D+G+H]	
Category	Approved Budget	Prior Disbursements	Current Request	Balance	Approved Budget	Prior Expenditures	Current Expenditure	Balance	Disbursed & Expended	
Personnel Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Materials and Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Equipment or Capital Purchases	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Administrative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

Certification: I certify that the data is correct and that the amount requested is not in excess of current needs, nor has been already reimbursed by federal, state, or other resources.

For Marion County Use Only: I have reviewed this request and approve payment to the above mentioned recipient in the amount(s) listed below.

Authorized Signature and Title	Date	Dollar Amount	Costing	PO #
Authorized Signature and Title (if necessary)	Date			CMS #
Project Contact for Payment Notification	Phone Number	Authorized Signature and Title	Authorized Signature and Title	Date
Email Address		Authorized Signature and Title	Authorized Signature and Title	Date

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject us to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

Additional Information Required:

Supporting documentation (e.g. invoice(s), GL reports, timekeeping records, etc.) must be recorded on Detail worksheet. Upon completion, print Disbursement Request and Detail to PDF, sign electronically, and attach copies of supporting documentation. Submit to ARPArecovery@co.marion.or.us for review and processing of reimbursement. Questions about this form can also be directed to ARPArecovery@co.marion.or.us.

Marion County Disbursement Request Detail

Recipient:	Date:	1/0/1900
Project Name:	Project Number:	0
Funding Program:		

[illegible]



CITY COUNCIL MEETING: JUNE 21, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Machell DePina, Human Resources Director

SUBJECT: **SERGEANT INCENTIVES**

PROPOSED MOTION:

"I move the City Council approve Resolution R2022-___ Amending the Keizer Personnel Policy Manual Regarding Motor Duty Pay Under the Compensation Section; Amending Resolution R2010-2040."

I. SUMMARY:

The Collective Bargaining Agreement (CBA) with the police union includes several "Special Assignment Premiums," which are percentage increases added to base pay and, in the case of K9 handlers, the setting aside of some time to attend to their police dogs.

Among the seven premiums listed, there are four that the Chief of Police believes should continue to be offered to sworn employees who are promoted to non-represented positions, usually to sergeant. Those four special assignment premiums are K-9 Handler, Motorcycle Officer, Interagency Bomb Squad and Interagency Special Weapons and Tactics (SWAT) Team. All four premiums include an "additional five percent (5%) of their regular base pay."

The premiums for the K9 handlers and motor officers compensate for the after-hours care for their dogs and for their motorcycles. The bomb squad and SWAT team premiums are to match the hazardous-duty premiums paid to Salem Police Department (Salem PD) officers assigned to those units. Keizer officers are members of the Salem Bomb Squad and Salem SWAT team. Presently, Keizer does not have an officer assigned to the bomb squad.

The details listed here have been reviewed with the Personnel Policy Committee and all three members have confirmed their support of this request.

II. **BACKGROUND:**

- A. Former City Manager Eppley has previously approved a few exceptions to policy to allow for a time limited extension of SWAT incentive for officers who promoted to sergeant given the amount of time it takes to train a new person for the role. Such extensions have been for 3-6 months.
- B. The City's Personnel Policy Manual currently includes an incentive of \$2.00 per hour for the sergeant assigned to the traffic team. This incentive used to be 5% prior to 2010 but former Mayor Christopher advocated for getting rid of percentage incentives in favor of flat dollar amounts. The argument prevailed for non-union employees and it was changed to a flat dollar amount.

III. **CURRENT SITUATION:**

- A. Currently, a sergeant is still receiving a SWAT incentive. The reason given for the continuation was challenges at Salem PD with new leadership and the need for our representative to stay on longer to ensure experienced staff are available. It was described by Salem PD as "mission critical." The expectation was for the sergeant to remain until May 2023.
- B. Upon further discussion and review of whether the continued extension (policy exception) would be approved for the sergeant via another City Manager exception, Chief Teague detailed reasons he believes sergeants should be allowed to continue in such roles on an ongoing basis and should receive additional financial incentive when doing so. He confirmed he saw no conflict with them being able to manage the additional assignments along with their new supervisory duties – that there is sufficient capacity within the Keizer Police Department (KPD) to adjust for coverage as may be needed.
- C. Given incentives are addressed in the City's Personnel Policy Manual and these incentives do not currently exist as requested, a revision to the Manual is required to provide the requested incentives.

IV. **ANALYSIS:**

- A. **Strategic Impact** – Does not apply.
- B. **Financial** – The originally requested 2nd extension of the sergeant's SWAT incentive from 3.15.22 to 5.31.23 would cost \$7,300. While this is not a small sum, we would be paying another officer 5% if we were not paying the sergeant. It is reasonable to assume we might save a small amount given the officer's base pay is likely to be lower.

Sergeant Incentives

June 21, 2022

For the traffic team sergeant, we are currently paying \$4,160 per year. That would increase to \$5,217 if we convert to a 5% incentive, with the amount going up as the base pay increases over time.

- C. **Timing** – Approval at this request will allow continued incentive payments to the current sergeant within policy rather than by exception. It would also cause an immediate increase for the Traffic Team Sergeant.
- D. **Policy/legal** – Additional benefits for non-represented employees are required to be addressed in the City’s Personnel Policy Manual.

Given the requested additional incentives are for special job duties requiring specific training and includes a different work location, we do not anticipate an issue with this type of pay difference with respect to meeting the requirements of Equal Pay legislation.

ALTERNATIVES:

- A. Consider some but not all of the four requested categories – This would be inconsistent (laterally) amongst the categories and (vertically) between the sergeants and officers. Staff does not recommend this alternative.
- B. Take No Action – The incentives in the Personnel Policy Manual remain the same and the current policy exception remains for the one sergeant until May 2023.

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2022-____ providing premium pay of five percent of base pay for non-represented sworn employees assigned as a K9 handler or motorcycle officer or a member of the Salem Bomb Squad or Salem SWAT team effective July 1, 2022.

ATTACHMENTS:

- Resolution R2022-____

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AMENDING THE KEIZER PERSONNEL POLICY MANUAL
REGARDING MOTOR DUTY PAY UNDER THE COMPENSATION
SECTION; **AMENDING RESOLUTION R2010-2040**

WHEREAS, it is the policy of the City of Keizer to provide personnel policies that are consistent and fair for employees and are a wise use of public funds;

WHEREAS, the Collective Bargaining Agreement (CBA) with the police union includes several "Special Assignment Premiums";

WHEREAS, the City Council wishes to amend a certain personnel policy;

WHEREAS, Resolution R2010-2040 regarding personnel policies provides for an incentive of \$2.00 per hour when assigned to the traffic team as a motorcycle Sergeant (Motor Duty Pay);

WHEREAS, the Chief of Police recommends that incentive be changed to 5% of base pay;

WHEREAS, the Chief of Police also recommends that non-represented employees should receive an incentive of 5% of base pay for K-9 handlers and members of the Salem Bomb Squad and Salem SWAT;

WHEREAS, the City Council of the City of Keizer has determined that given that incentives are included in the CBA and some exist in the personnel policies, the personnel policies should be amended to include additional incentives;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2010-2040 (Personnel Policies) is hereby amended regarding Motor Duty Pay by changing the title and text as follows:

SPECIAL ASSIGNMENT PREMIUMS ~~MOTOR DUTY PAY~~

The City shall provide ~~\$2.00 per hour~~ **five percent (5%)** above the employee's normal pay step when assigned **as a K9 handler or** to the traffic team as a motorcycle Sergeant to compensate for the **additional responsibilities of after-hours care for their dogs and motorcycles and** hazards **associated with** ~~of working from a motorcycle and the off-duty care of the police motorcycle, e.g., daily maintenance, etc.~~

The City shall provide five percent (5%) above the employee's normal pay step when assigned as a member of the City of Salem Bomb Squad or SWAT Team to compensate to match the hazardous-duty premiums paid to City of Salem Police Department officers assigned to those units.

BE IT FURTHER RESOLVED that this Resolution shall take effect on July 1,

2022.

PASSED this _____ day of _____, 2022.

SIGNED this _____ day of _____, 2022.

Mayor

City Recorder



CITY COUNCIL MEETING: JUNE 21, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tracy Davis, City Recorder/Community Center Manager

SUBJECT: **RESOLUTION – DECLARING THE CITY’S INTENT TO INITIATE A STREET LIGHTING LOCAL IMPROVEMENT DISTRICT (RYDEN FOREST) AND DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A WRITTEN REPORT WITH THE CITY RECORDER**

PROPOSED MOTION:

I move the City Council approve Resolution 2022- ____ Declaring the City’s Intent to Initiate a Street Lighting Local Improvement District (Ryden Forest) and Directing the City Engineer to Make a Survey and File a Written Report with the City Recorder.

I. SUMMARY:

A petition was received from the developer of the Ryden Forest Subdivision 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.

II. BACKGROUND:

City of Keizer Ordinance 94-278 outlines the process for the formation of street lighting districts in the City of Keizer. After the initiation of the district, an engineer report is prepared which includes the estimated costs and the number of lights necessary for the specified area. The engineers report will be presented to the City Council in the future for approval. After the approval of the report, the matter will be scheduled for a public hearing.

III. CURRENT SITUATION:

Currently, this area is not developed and does not contain any street lights.

Subject: Ryden Forest Street Lighting District

June 21, 2022

IV. ANALYSIS:

- A. **Strategic Impact** – No strategic impact
- B. **Financial** – Once the District is formed, the street lights will be installed and the City will pay the electric bills. At the conclusion of the fiscal year, the City will certify the annual amount to be included on the Marion County tax rolls.
- C. **Timing** – The project can not move forward without Council approval.
- D. **Policy/legal** – This action is required to meet the guidelines of the process in Ordinance 94-278

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2022-____ declaring the City's intent to initiate a street lighting local improvement district (Ryden Forest) and Directing the City Engineer to make a survey and file a written report with the City Recorder.

ATTACHMENTS:

- Resolution 2022-____
- Signed Petition
- Map of the area

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:

Ryden Forest

within the City of Keizer.

The legal description of the proposed district is:

See attached deed

PLEASE ATTACH A MAP OF THE AREA

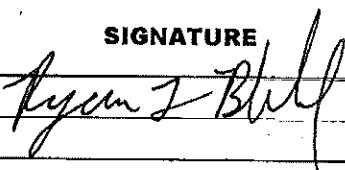
This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Keizer.

PETITION SUBMITTED BY:

NAME: Jeremy Grenz

ADDRESS: 1155 13th St. SE, Salem OR 97302

PHONE NUMBER: 503-910-7805

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
4/27/2022	Trademark Enterprises LLC		2450 Tepper Ln. NE

RECORDING REQUESTED BY:



500 Liberty St. SE, Ste 200
Salem, OR 97301

GRANTOR'S NAME:

Dean Westbrook and Molly Westbrook

GRANTEE'S NAME:

Trademark Enterprises, LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:

Order No.: 60222013479-KC
Trademark Enterprises, LLC, an Oregon limited liability company
P.O. Box 5248
Salem, OR 97304

SEND TAX STATEMENTS TO:

Trademark Enterprises, LLC, an Oregon limited liability company
P.O. Box 5248
Salem, OR 97304

APN: R20530

2450 Tepper Lane NE, Keizer, OR 97303

REEL 4470 PAGE 415
MARION COUNTY
BILL BURGESS, COUNTY CLERK
03-31-2021 10:48 am.
Control Number 647933 \$ 91.00
Instrument 2021 00020092

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Dean Westbrook and Molly Westbrook, Grantor, conveys and warrants to Trademark Enterprises, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

A tract of land situated in Section 36, Township 6 South, Range 3 West of the Willamette Meridian, in the City of Keizer, County of Marion and State of Oregon, more particularly described as follows:

Beginning at a point on the North line of the Silas G. Pugh Donation Land Claim in Section 36, Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon, which said point is 97.6 feet Westerly from the intersection of the North line of said Donation Land Claim and the West line of the Oregon Electric right of way; thence Westerly along said North line 195.2 feet; thence Southerly and parallel with the West line of a certain one acre tract of land heretofore conveyed to Elmer Betchhold 7.055 chains; thence Easterly and parallel with the North line of said Donation Land Claim 195.2 feet; thence Northerly along the West line of said Betchhold property 7.055 chains to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$550,000.00). (See ORS 93.030).

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as Streets, roads and/or highways..

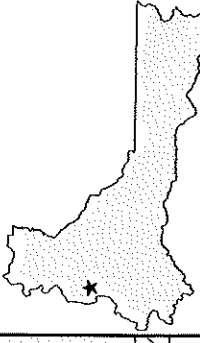
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United States of America
Purpose: Transmission line and appurtenances
Recording Date: January 3, 1947
Recording No: Book 361, page 548
Affects: Reference is hereby made to said document for full particulars

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Fidelity National Title # 60222013479

06 3W 36BA
KEIZER



MARION COUNTY, OREGON
NE1/4 NW1/4 SEC36 T6S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES
--- Historical Boundary
--- Easement
--- Railroad Right-of-Way
--- Railroad Centerline
--- Private Road ROW
--- Subdivision Plat Boundary
--- Map Boundary
--- Waterline - Toilet Body
--- Waterline - Non Body
- CORNER TYPES
+ 1/16TH Section Cor.
@ D/C Corner
16 1/2 Section Corner
21 1/2
- NUMBERS
Tax Code Number
00 00 0
36
- ACREAGE
All acre listed are Net Acres, excluding any portions of the taxlot within public ROWs.

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW.

CANCELLED NUMBERS

101
500
101
101

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

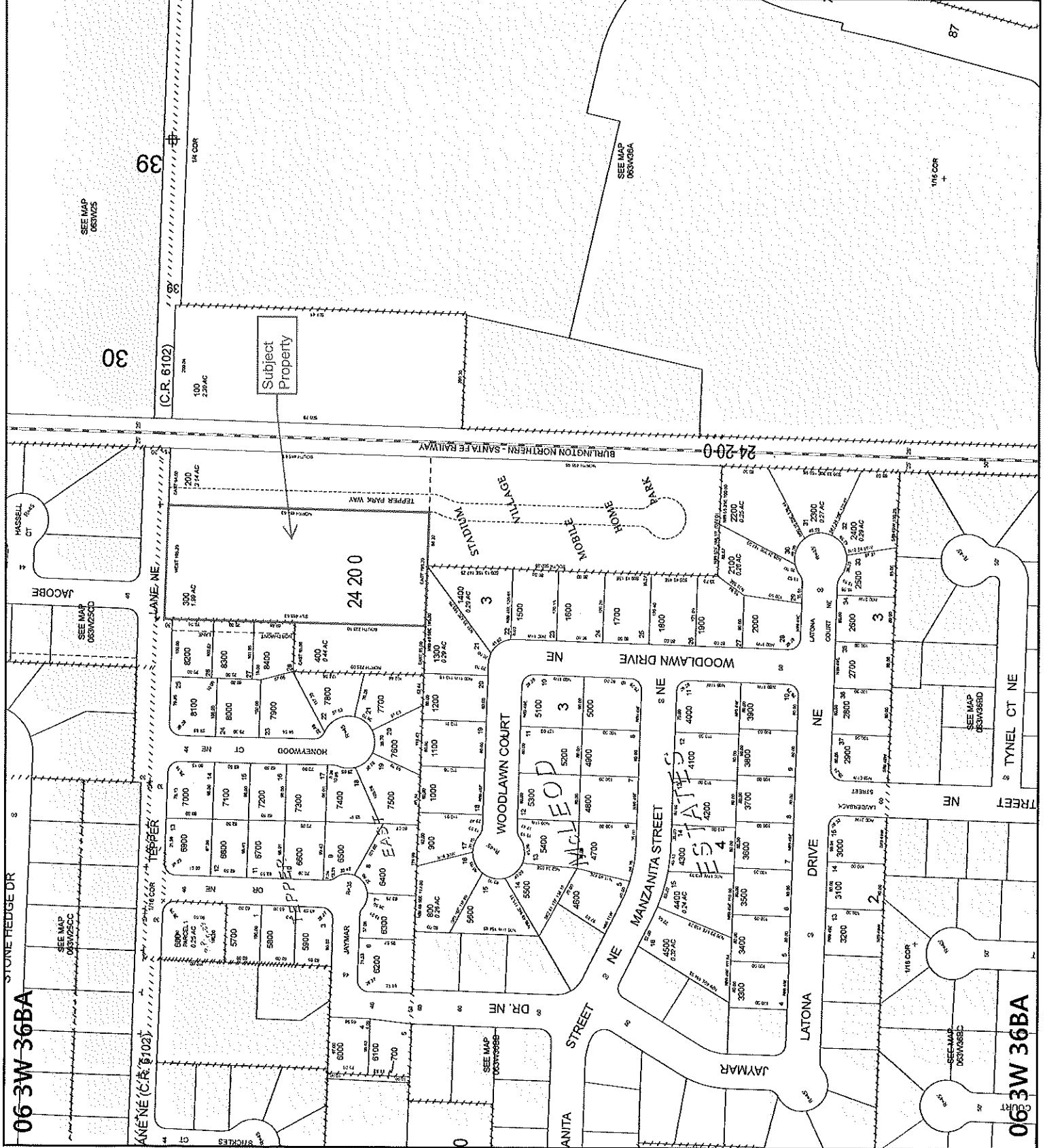


Assessor's Office
Cartography Dept.

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.marioncountyor.gov

PLOT DATE: 10/16/2020

KEIZER
06 3W 36BA



CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**Resolution R2022 - _____****DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (RYDEN FOREST) AND DIRECTING THE CITY
ENGINEER TO MAKE A SURVEY AND FILE A WRITTEN REPORT WITH THE CITY
RECORDER**

WHEREAS, the City Council of the City of Keizer has received a petition from the developer to initiate a street lighting district in the Ryden Forest development in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of land owner comprising two-thirds of the property to be included within Ryden Forest Street Lighting District have requested the formation of the district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that:

1. The City Council declares its intent to initiate Ryden Forest Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder on or before July 12, 2022.

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

/////

/////

////

1
2
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9
10

PASSED this ____ day of _____, 2022.

SIGNED this ____ day of _____, 2022.

Mayor

City Recorder

06 3W 36BA

STONE HEDGE DR

SEE MAP
063W36C

SEE MAP
063W36C

JACOBE

HASSELL
CT NE

30

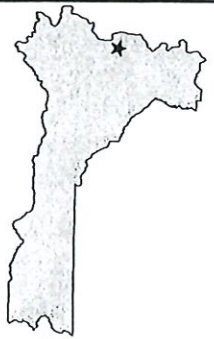
SEE MAP
063W36C

(C.R. 6102)

39

KEIZER

06 3W 36BA



MARION COUNTY, OREGON
NE 1/4 NW 1/4 SEC 36 T6S R3W W.M.
SCALE 1" = 100'

LEGEND

LINE TYPES	
Taxlot Boundary	Historical Boundary
Road Right-of-Way	Easement
Railroad Right-of-Way	Railroad Centerline
Private Road ROW	Traverse Line
Subdivision Plat Boundary	Map Boundary
Waterline - Taxlot Body	Waterline - Non Body

CORNER TYPES
+ 1/8th Section Cor.
⊕ 1/4 Section Cor.
⊙ D/C Corner
⊕ Section Corner

NUMBERS
Tax Code Number
00 00 0

NOTES
All acres listed are Net Acres, excluding any
portions of the taxlot within public ROWs.

NOTES
Tick Marks: A tick mark in the road indicates that the
labeled dimension extends into the public ROW

CANCELLED NUMBERS

101
500
601
701



DISCLAIMER: THIS MAP WAS PREPARED
FOR ASSESSMENT PURPOSES ONLY

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
WWW.MARIONCOUNTY.ORG

KEIZER

06 3W 36BA



CITY COUNCIL MEETING: JUNE 21, 2022

To: Mayor Clark and City Council Members

THRU: Adam J. Brown, City Manager

FROM: Tim Wood, Finance Director

SUBJECT: **CERTIFICATION OF DELINQUENT SEWER ACCOUNTS**

PROPOSED MOTION:

I move the City Council approve Resolution R2022_____ Certification of Delinquent Sewer Accounts.

I. SUMMARY:

Three sewer only accounts are delinquent totaling \$1,577.64. Oregon Revised Statutes 454.225 authorize the City to certify the amounts to the County Assessor for inclusion on the upcoming tax roll.

II. BACKGROUND:

- A. The City of Keizer collects sewer fees from residents and businesses of Keizer. Those fees if unpaid for sewer only accounts may be certified to the County for collection.
- B. City staff has attempted to contact the property owners by mail and phone to facilitate payment for sewer services provided however the amounts remain outstanding.

III. CURRENT SITUATION:

- A. Three sewer only accounts remain outstanding totaling \$1,577.64 as of June 16, 2022.
- B. In order to include the amounts on the 2022-23 property tax statements for collection the City must certify the amounts by June 30, 2022.

Certification of Delinquent Sewer Accounts

June 21, 2022

- C. If the amounts are not turned over to the County for collection with the property tax amounts the City will continue to try and collect the amounts directly from the property owners.

IV. ANALYSIS:

- A. **Strategic Impact** – N/A
- B. **Financial** – The total amount to certify to the County is \$1,577.64 for tax year 2022-23. This compares to \$2,065.00 for tax year 2021-22.
- C. **Timing** – In order to include the delinquent amounts on the tax rolls the outstanding amount needs to be certified by June 30, 2022.
- D. **Policy/legal** – Oregon Revised Statutes 454.225 authorizes the City to certify the delinquent sewer amount for inclusion on the County Assessor's tax roll.

ALTERNATIVES:

- A. Take No Action – The delinquent sewer amounts will remain outstanding in the City's financial records.

RECOMMENDATION:

Staff recommends that the City Council approve Resolution R2022-____ Certification of Delinquent Sewer Accounts.

ATTACHMENTS:

- Resolution R2022-____ Certification of Delinquent Sewer Accounts
- Exhibit A – Delinquent Sewer Accounts

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

CERTIFICATION OF DELINQUENT SEWER ACCOUNTS

WHEREAS, the City of Keizer is responsible for the collection of sewer fees from the residents of Keizer;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer that the attached Exhibit "A" is an itemized list of delinquent sewer charges through March 31, 2022 that the City has been unable to collect through the usual collection procedures.

BE IT FURTHER RESOLVED that ten percent (10%) of the delinquent amount has been added as a penalty and that a \$39.00 administration fee has been added to cover the City's costs.

BE IT FURTHER RESOLVED that the amounts certified on the attached Exhibit "A" shall be added to the appropriate tax accounts as indicated pursuant to ORS 454.225.

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

PASSED this _____ day of _____, 2022.

SIGNED this _____ day of _____, 2022.

Mayor

City Recorder

			Sewer		Penalty			
Property ID	Service Address	Owner's Name	Sewer	Admin	Total Billing	10%	Chg \$39.00	Total
520087	7225 WHEATLAND RD N	ROBERT & BARBARA HASKINS	442.09	37.50	479.59	47.96	39.00	\$566.55
520165	7029 FIR GROVE LANE N	SHANNON & SCOTT WHITE	422.34	37.50	459.84	45.98	39.00	\$544.82
565528	1551 SIEBURG DR NE	LAURA SCOTCH	357.18	31.25	388.43	38.84	39.00	\$466.27
								\$1,577.64



MINUTES
KEIZER CITY COUNCIL
Monday, June 6, 2022
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
Daniel Kohler, Councilor
Roland Herrera, Councilor
Kyle Juran, Councilor
Shaney Starr, Councilor
Laura Reid, Councilor
Elizabeth Smith, Councilor
Miranda Coleman, Youth Councilor

Staff:

Adam Brown, City Manager
Shannon Johnson, City Attorney
Tim Wood, Finance Director
Shane Witham, Planning Director
Andrew Copeland, Police
Tracy Davis, City Recorder

FLAG SALUTE

Boy Scout Nicholas Elder from Troop 20 led the pledge of allegiance in order to receive the Badge of Communication.

SPECIAL ORDERS OF BUSINESS

a. PROCLAMATION

- Pride Month**
- b. – Juneteenth**
- Gun Violence Awareness Day**

Mayor Clark read the proclamations naming June as Pride Month, June 19th as Juneteenth and June 3, 2022, as Gun Violence Awareness Day.

c. Recognition of Award

Mayor Clark announced the City Recorder Tracy Davis had recently received the 'Quill Award' given by the International Institute of Municipal Clerks. She shared many of the comments included in the nomination and commended her for her on-going professionalism, integrity and hard work. Ms. Davis thanked Council and the City for support over her 30-year tenure and allowing her to be involved.

Mayor Clark announced that Youth Councilor Miranda Coleman had received the Celtic Girl of the Year award at McNary and thanked her for her work over the past year. Each Councilor then echoed Mayor Clark's commendation and shared personal congratulations. Ms. Coleman thanked Council and shared her plans for the future.

COMMITTEE REPORTS

Rick Kuehn, Keizer, reported that the West Keizer Neighborhood Association has come before Traffic Safety-Bikeways-Pedestrian Committee to request traffic calming measures on Shoreline and Cummings. He added that the Committee would be viewing a presentation about the Historic Columbia River Highway at their next meeting and invited everyone to attend.

Lore Christopher, Keizer, reported that there are two vacancies on the Keizer Public Arts Commission. She brought attention to the current artwork in the Community Gallery, shared plans for artwork in the roundabout, the 2022 holiday card, painting of utility boxes, purchase of the Eagle sculpture and display of Native American Indian art and asked Council to consider placing city-owned art on the Council Chambers walls including a Student Art panel and to allow the Commission to re-arrange current permanent art in the lobby and entrance areas. She asked that Council take the necessary actions to approve purchase of 'Vines to Wines' by Lorraine Dye and 'Four Seasons' by student artist Rachel Wood.

Councilor Reid moved to suspend the rules to take up the matter of purchasing art. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

Councilor Reid moved that the Keizer City Council approve the purchase of two pieces of art: 'Vines to Wines' by Lorraine Dye for \$600 and 'Four Seasons' by Rachel Wood for \$30. Councilor Smith seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

PUBLIC COMMENT Mayor Clark acknowledged written comments received from *Suann White* and *Erma Garrison* supporting the Library, *Gregory Gilbert* regarding Pride Month, *Michaela Dunn* regarding a memorial for her brother, and *Linda Warner* regarding National Gun Violence Day

Rhonda Rich, Keizer, President of the West Keizer Neighborhood Association, asked that the Association be included as part of the Keizer Rapids Park Turf Fields Task Force and shared past participation of the Association with various amenities at the park. She urged that adequate funding be allocated for sufficient paved parking with landscaping, landscape buffering from adjacent residents and possible purchase of available adjacent land.

PUBLIC HEARING

Mayor Clark opened the Public Hearing.

**a. ORDINANCE –
Setting Water
Rates (2023);
Repealing
Ordinance No.
2021-834**

Finance Director Tim Wood summarized his staff report.

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

Councilor Smith moved that the Keizer City Council adopt a Bill for an Ordinance Setting Water Rates (2023); Repealing Ordinance No. 2021-834. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

**b. RESOLUTION –
Amending the
City of Keizer
Police Services
Fee; Repealing
Resolution
R2021-3176**

Mayor Clark opened the Public Hearing.

Finance Director Tim Wood summarized his staff report.

With no further testimony, Mayor Clark closed the Public Hearing

Councilor Smith moved that the Keizer City Council approve a Resolution Amending the City of Keizer Police Services Fee; Repealing Resolution R2021-3176. Councilor Reid seconded.

Mr. Wood explained that this is only the second time the fee has been increased since 2017; inflation rates have increased more than in the past and this provides resources to outfit the officers.

Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

**c. RESOLUTION –
Declaring the
City's Election
to Receive
State Revenues**

Mayor Clark opened the Public Hearing.

Finance Director Tim Wood summarized his staff report.

With no further testimony, Mayor Clark closed the Public Hearing

Councilor Smith moved that the Keizer City Council approve a Resolution Declaring the City's Election to Receive State Revenues. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

**RESOLUTION –
Certifying That
the City of
Keizer Provides**

Councilor Smith moved that the Keizer City Council approve a Resolution Certifying that the City of Keizer Provides Four or More Municipal Services. Councilor Reid seconded. Motion passed as follows:

**Four or More
Municipal
Services**

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Starr (1)

**d. RESOLUTION -
Certification of
Lighting District
Assessments**

Mayor Clark opened the Public Hearing.

Finance Director Tim Wood summarized his staff report.

With no further testimony, Mayor Clark closed the Public Hearing

Councilor Smith moved that the Keizer City Council approve a Resolution Certification of Lighting District Assessments. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Starr (1)

**e. RESOLUTION –
Adopting the
FY 2022-23
Budget, Making
Appropriations,
and Imposing
and
Categorizing
Taxes**

Mayor Clark opened the Public Hearing.

Finance Director Tim Wood summarized his staff report sharing details regarding the Cherriots \$30,000 budget request and the Keizer Public Arts Commission \$6,000 budget request.

Ian Davidson, Board President of Cherriots, explained that the request for \$30,000 will be used to pilot the K-12 Youth Bus Pass program in partnership with Salem and Keizer. He then fielded questions regarding the difference between the new program and old, ridership data, use of student identification cards as bus passes and future funding.

Lore Christopher, Keizer Public Arts Commission, complained that the proposed budget had cut Arts Commission funding. She listed all the expenses anticipated for the coming year as well as new art projects and related costs, noted that a donation of \$5,000 was received to buy 'Cold, Wet Eagle', and asked that the Arts Commission budget line item be increased to \$6,000.

Mayor Clark left the meeting temporarily. Council President Smith facilitated the meeting in her absence.

With no further testimony, Council President Smith closed the Public Hearing.

Councilor Smith moved that the Keizer City Council approve a Resolution Adopting the FY 2022-23 Budget, Making Appropriations, and Imposing and Categorizing Taxes. Councilor Reid seconded.

Councilor Reid offered a friendly amendment to include funding the Cherriots request. Councilor Smith accepted the amendment.

Councilor Reid offered a friendly amendment to include funding the Keizer Public Arts Commission request of \$6000. Councilor Smith

accepted the amendment.

Mayor Clark returned to the meeting.

Motion restated: Move that the Keizer City Council approve a Resolution Adopting the FY 2022-23 Budget, Making Appropriations, and Imposing and Categorizing Taxes as amended.

City Attorney Shannon Johnson clarified that the motion included \$30,000 from American Rescue Plan Act Fund to restart the K-12 Free Fare Program and the budget request for \$6,000 from the General Fund from the Keizer Public Arts Commission.

Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

f. RESOLUTION – *Mayor Clark opened the Public Hearing.*

Authorization for Finance Director Tim Wood summarized his staff report.

Supplemental *With no further testimony, Mayor Clark closed the Public Hearing*

Budget – Councilor Smith moved that the Keizer City Council approve a Resolution

Administrative Authorization for Supplemental Budget – Administrative Services Fund

Services Fund Finance Non-Departmental. Councilor Reid seconded. Motion passed as

Finance Non-

Departmental

follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

RESOLUTION –

Authorization for Councilor Smith moved that the Keizer City Council approve a Resolution

Supplemental Authorization for Supplemental Budget – Administrative Services Fund

Budget –

Administrative

Services Fund

General

Administration

General Administration. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

RESOLUTION –

Authorization for Councilor Smith moved that the Keizer City Council approve a Resolution

Supplemental Authorization for Supplemental Budget – Administrative Services –

Budget –

Administrative

Services –

Finance Utility

Billing

follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

ADMINISTRATIVE ACTION

a. Artificial Turf Fields at Keizer Rapids Park

City Manager Adam Brown shared a slide presentation covering what was being asked, a comparison of grass vs. turf, maintenance, partnerships, revenue generation to support the costs, the net impact and the Work Group recommendations. Mayor Clark explained that Marion County would write the check and Keizer would maintain and manage the fields. Mr. Brown added that staff needs a consensus to have Mr. Johnson work with Marion County and bring back a contract.

Councilor Smith moved that the Keizer City Council direct staff to prepare an intergovernmental agreement between the City of Keizer and Marion County for the acceptance of \$2 million in ARPA funding to build two artificial turf fields at Keizer Rapids Park with parking and other committee recommended design considerations. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

b. RESOLUTION – Authorizing Mayor to Send Letter to City Attorney Regarding Evaluation Recommendations and Observations

Human Resources Director Machell DePina summarized her staff report.

Councilor Smith moved that the Keizer City Council approve Resolution Authorizing Mayor to Send Letter to Shannon Johnson on behalf of the Council stating that the requirement to provide written recommendations and observations has been satisfied. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

CONSENT CALENDAR

- a. RESOLUTION – Authorizing the City Manager to Award and Enter into an Agreement with Knife River Corporation for 2022 Pavement Resurfacing
- b. RESOLUTION – Authorizing the Finance Director to Enter into Lease Agreement with Ricoh USA Inc. for Two Police Department Copiers
- c. Approval of May 16, 2022 Regular Session Minutes

Councilor Smith moved for approval of the Consent Calendar. Councilor Reid seconded. Motion passed as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler and Juran (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Starr (1)

OTHER BUSINESS/ STAFF UPDATES

Machell DePina announced that the City is recruiting for a Community Center Coordinator and an Accounting Specialist.

Public Works Director Bill Lawyer reported that Parks staff is working

hard to keep grass mowed between rain showers. The contractor that is supposed to maintain the bio-swales was in violation of the contract but is now working to catch up so has been given an extension. Work is being monitored daily. If negligence continues, temporary help will need to be secured. Shade sail poles have been removed and are in Portland being extended. Replacement sails have been selected. Repair is on schedule.

COUNCIL MEMBER REPORTS

Councilor Herrera reported on the Kennedy Neighborhood Council, commended City Recorder Tracy Davis, McNary Lady Celts and the McNary Baseball Team, and shared information about the upcoming Beacons Award ceremony.

Councilor Reid congratulated McNary graduating seniors, thanked St. Edward Church for accommodating teacher parking during graduation ceremonies and shared information regarding the upcoming 45th Street Playwrights showcase, the summer meal program and new construction at Keizer Elementary.

Councilor Kohler reported on the Keizer Community Dinner, Commissioner Breakfast, Library Work Group meetings and the McNary Athletic Boosters fundraiser event and announced upcoming musical performances.

Councilor Smith reported on the Traffic Safety/Bikeways/Pedestrian Committee meeting and announced that the Detroit Community Center has opened.

Youth Councilor Miranda Coleman shared information about graduation and an upcoming choir concert for Ukrainian Day and thanked Council.

Mayor Clark reported on various meetings she had attended and Weddle Elementary Career Day. She thanked City Manager Adam Brown for being a guest on a recent 'Coffee with Cathy' and announced upcoming meetings.

AGENDA INPUT

June 7, 2022 - 7:30 p.m. - City Council Work Session

June 13, 2022 – 6:00 pm: City Council/Community Diversity Engagement Committee Joint Work Session

June 21, 2022 (Tuesday) – 7:00 pm: City Council Regular Session

July 5, 2022 (Tuesday) – 7:00 pm: City Council Regular Session

July 11, 2022 - 6:00 pm: City Council Work Session – Emergency Management

ADJOURNMENT

Mayor Clark adjourned the meeting at p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

~ Absent ~

Councilor #2 – Shaney Starr

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Tuesday, June 7, 2022
Keizer, Oregon

**CALL TO
ORDER**

Mayor Clark called the work session to order at 7:30 p.m. Attendance was taken as follows:

Present

Cathy Clark, Mayor
Dan Kohler, Councilor
Kyle Juran, Councilor
Roland Herrera, Councilor
Laura Reid, Councilor

Absent:

Elizabeth Smith, Councilor
Shaney Starr, Councilor

Staff Present:

Adam Brown, City Manager
Tim Wood, Finance Director
Tracy Davis, City Recorder

Also Present:

John Hunter CCRLS
B.J. Toewe, Keizer Library

DISCUSSION

**a. Keizer Public
Library**

City Manager Adam Brown showed a slide presentation explaining what the Chemeketa Cooperative Regional Library Service is, the application and funding, what constitutes a library, and governance. Finance Director Tim Wood explained the financial commitment and funding options.

John Hunter, Executive Director of CCRLS, explained that recently the CCRLS met and corrected an error in the By-Laws that was inconsistent with the application procedure updated in 2019 and changed the application procedure to be mindful of the new statutory definition of a legally established public library. This essentially clears a path for membership in CCRLS. Following the process of affirming that the Keizer Library is a public library, Keizer Public Library would begin receiving funds from CCRLS July of 2025.

Discussion then took place regarding the application process, timeline for acceptance, collection of circulation data, formula-based reimbursement, and the four scenarios shown in the slide presentation.

B.J. Toewe, Vice President of Keizer Community Library Board, explained that the \$2 scenario would allow the library to build a program that would serve the community well.

Further discussion ensued concerning the possible need for a larger space, the desired level of service, the benefits of having a full service library, sponsorships, promoting the higher fee for better service and for accomplishing things of value in the library, putting a cap in the ballot

measure, and modification of the fee by Council.

Councilor Kohler expressed his preference of a \$1.50 fee instead of \$2. Mayor Clark read an email from Councilor Starr voicing support for the \$1.50 fee as well.

City Attorney Shannon Johnson reminded Council that no decisions could be made at a work session but added that he could have an ordinance for Council to review at the first meeting in July and suggested that a public hearing be scheduled for that night to receive public input. Mayor Clark suggested that the public hearing could be used to gage the level of service desired which would be reflected in the amount that would be requested. Council expressed support for the schedule and public hearing.

ADJOURN

Mayor Clark adjourned the work session at 8:40 p.m.

APPROVED:

MAYOR:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

~ Absent ~

Councilor #2 – Shaney Starr

~ Absent ~

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____

Written Public Comments
June 7th thru June 21st 2022

- Leslie Burke – Keizer - Pride Flag

Davis, Tracy

From: Cathy Clark
Sent: Thursday, June 16, 2022 9:08 AM
To: Leslie Burke; Davis, Tracy
Subject: Re: Pride flag

Good morning Ms. Burke,
I have copied Ms. Davis to put your email into the written comment for Council.
And the Community Diversity Engagement Committee has been tasked to research the policies used by other Oregon cities to display commemorative banners and flags including the Pride flag.
best regards,

Cathy Clark, Mayor
clarkc@keizer.org
503-856-3403

From: Leslie Burke <lesliesburke@icloud.com>
Sent: Thursday, June 16, 2022 9:02:29 AM
To: Cathy Clark
Subject: Pride flag

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

As a citizen of Keizer, Oregon, I would like to see the Keizer City Counsel rigorously pursue purchasing a Pride flag and displaying it over city hall.

I see this as a step toward diversification, and inclusivity. I would like our city to be welcoming, forward thinking and taking a stance against all types of "hate".

We have a lovely community, whose mission and goals need to be clear.

Thank you for your consideration,

Leslie S Burke

Sent from my iPad