

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

AGENDA

KEIZER CITY COUNCIL **REGULAR SESSION**

Monday, May 17, 2010

7:30 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. **PUBLIC HEARINGS**

- a. **RESOLUTION** – Forming Benevan Court Street Lighting Local Improvement District
ORDINANCE – Spreading Assessments to Benevan Court Street Lighting Local Improvement District

6. **ADMINISTRATIVE ACTION**

- a. **ORDINANCE** – Allowing Reallocation of Keizer Station Retail Limitation; Amending Keizer Development Code Regarding Section 2.107 (Mixed Use), Section 2.109 (Commercial Retail), Section 2.110 (Commercial Mixed Use) Section 2.119 (General Employment), Section 2.125 (Activity Center Overlay Zone), and Section 3.113 (Keizer Station Master Plan Review); Amending Keizer Station Plan Areas and Design Guidelines (Pages 9 to 10 of Keizer Station Plan); Amending Ordinance 98-389, Ordinance 2003-479 (Exhibit 2, Pages 9 to 10) and Ordinance No. 2007-562 (Exhibit “C”)

7. CONSENT CALENDAR

- a. Approval of April 19, 2010 Regular Session Minutes

8. COMMITTEE REPORTS

- a. Gubser Neighborhood Association Annual Report

9. OTHER BUSINESS

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

- a. New Business or Old Business Issues

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

June 7, 2010

6:00 p.m. – Urban Renewal Agency Meeting

- 2010-2011 Keizer Urban Renewal Agency Budget Public Hearing

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

- 2010-2011 City of Keizer Budget Public Hearing

June 14, 2010

5:45 p.m. – City Council Work Session

- Chamber of Commerce

June 21, 2010

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

12. ADJOURNMENT

COUNCIL MEETING: May 17, 2010

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO
BENEVAN COURT STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT**

ISSUE:

On March 15, 2010 the Keizer City Council adopted Resolution R2010-2028 Initiating Benevan Court Street Lighting District and directing the City Engineer to make a survey and file a report. The Council action was initiated as a result of the developer's failure to form the district at the time of development. On April 19, 2010 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was published in the Keizertimes and mailed to the property owners as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to first consider oral objections and written remonstrances to formation of Benevan Court Street Lighting Local Improvement District. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

BILL NO. _____

ORDINANCE NO. 2010- _____

A BILL FOR

**AN ORDINANCE SPREADING ASSESSMENTS TO
BENEVAN COURT STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

Section 1. FINDINGS. The City Council of the City of Keizer makes the following findings:

- a. The City Council did heretofore declare its intention to install street lights to serve an area known as Benevan Court Street Lighting Local Improvement District which is described as follows:

Benevan Court - identified on the Marion
County Assessors map 06 3W 35AC – tax lots
5800, 5801, 5802, 5803, and 5804, the City of
Keizer, County of Marion, State of Oregon;

which includes the installation of two (2) 150-watt high pressure sodium flat lens luminaries attached to existing wooden distribution poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Benevan Court Street Lighting Local Improvement District.

- b. The total initial estimated cost of Benevan Court Street Lighting Local Improvement District is \$321.46.
- c. The per space/lot assessment formula was used for this district.
- d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.
- e. Notice was duly mailed to the benefited property owners on April 30, 2010.

1 f. A meeting of the City Council was held at the time and place fixed by public
2 notice for the purpose of considering any such written objections to the
3 proposed assessments.

4 g. No written objections to the proposed assessments were filed.

5 h. The Council has considered the matter and determined that construction of
6 said improvements was and is of material benefit to the City, and all the
7 property to be assessed therefore will be specially benefited by the
8 improvements in the amounts shown on the assessment roll.

9 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

10 Section 2. ASSESSMENTS.

11 a. First Annual Assessment. It is hereby determined that the share of the cost
12 of the improvements for Benevan Court Street Lighting Local Improvement
13 District for each parcel and property benefited thereby for the first annual
14 assessment is the amount set opposite the description of each piece or
15 parcel of land as described in Benevan Court Street Lighting District
16 Assessment Roll as set forth in Exhibit "A" attached, and that each piece or
17 parcel of land benefited by the improvements, to the full extent of the
18 amount so set opposite such piece or parcel and that the respective
19 amounts represent the proportionate benefits of said improvements to said
20 respective parcels of property, and the Council does hereby declare that
21 each of the parcels of property described in Benevan Court Street Lighting
22 District Roll as set forth in Exhibit "A" attached is hereby assessed the first
23 annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Benevan Court Street Lighting Local Improvement District":

2 - 150 Watt Luminaries	\$210.96
Engineering Costs	\$70.00
Administrative Fee	<u>\$40.50</u>
Total Estimated Assessments	\$321.46

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Benevan Court Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 2010.

SIGNED this _____ day of _____, 2010.

Mayor

City Recorder

PRELIMINARY ASSESSMENT ROLL

BENEVAN COURT
STREET LIGHTING DISTRICT

*Assessors Maps 06 3W 35AC

<u>Tax Lot #</u>	<u>Owner</u>	<u>1st Yr. Cost</u>	<u>Future Yrs. Cost</u>
5800	College Anyone? LLC <Brown, Stacy E 10047 Stayton RD SE Aumsville, OR 97325	\$64.29	\$42.19
5801	College Anyone? LLC <Fultz, Troyler, L 10047 Stayton RD SE Aumsville, OR 97325	\$64.29	\$42.19
5802	College Anyone? & <Fultz, Lisa A 10047 Stayton RD SE Aumsville, OR 97325	\$64.29	\$42.19
5803	Buckmaster, Wade D & Buckmaster, Kendall D P.O. Box 20581 Keizer, OR 97307	\$64.29	\$42.19
5804	Johnson, Mark & Julian, Cheryl P.O. Box 21173 Keizer, OR 97307	\$64.29	\$42.19

TOTAL ASSESSMENT: \$321.46

[illegible]

DRIVE

NE COR
V.172.22

5700
0.92 AC

WFOO

NAME _____

280.00

167.00

NORTH 280.00

10

...

101.59

100

1. *Introduction*
 2. *Methodology*
 3. *Results*
 4. *Discussion*
 5. *Conclusion*
 6. *References*
 7. *Appendix*
 8. *Index*
 9. *Glossary*
 10. *Notes*
 11. *Tables*
 12. *Figures*
 13. *Tables*
 14. *Figures*
 15. *Tables*
 16. *Figures*
 17. *Tables*
 18. *Figures*
 19. *Tables*
 20. *Figures*
 21. *Tables*
 22. *Figures*
 23. *Tables*
 24. *Figures*
 25. *Tables*
 26. *Figures*
 27. *Tables*
 28. *Figures*
 29. *Tables*
 30. *Figures*
 31. *Tables*
 32. *Figures*
 33. *Tables*
 34. *Figures*
 35. *Tables*
 36. *Figures*
 37. *Tables*
 38. *Figures*
 39. *Tables*
 40. *Figures*
 41. *Tables*
 42. *Figures*
 43. *Tables*
 44. *Figures*
 45. *Tables*
 46. *Figures*
 47. *Tables*
 48. *Figures*
 49. *Tables*
 50. *Figures*
 51. *Tables*
 52. *Figures*
 53. *Tables*
 54. *Figures*
 55. *Tables*
 56. *Figures*
 57. *Tables*
 58. *Figures*
 59. *Tables*
 60. *Figures*
 61. *Tables*
 62. *Figures*
 63. *Tables*
 64. *Figures*
 65. *Tables*
 66. *Figures*
 67. *Tables*
 68. *Figures*
 69. *Tables*
 70. *Figures*
 71. *Tables*
 72. *Figures*
 73. *Tables*
 74. *Figures*
 75. *Tables*
 76. *Figures*
 77. *Tables*
 78. *Figures*
 79. *Tables*
 80. *Figures*
 81. *Tables*
 82. *Figures*
 83. *Tables*
 84. *Figures*
 85. *Tables*
 86. *Figures*
 87. *Tables*
 88. *Figures*
 89. *Tables*
 90. *Figures*
 91. *Tables*
 92. *Figures*
 93. *Tables*
 94. *Figures*
 95. *Tables*
 96. *Figures*
 97. *Tables*
 98. *Figures*
 99. *Tables*
 100. *Figures*
 101. *Tables*
 102. *Figures*
 103. *Tables*
 104. *Figures*
 105. *Tables*
 106. *Figures*
 107. *Tables*
 108. *Figures*
 109. *Tables*
 110. *Figures*
 111. *Tables*
 112. *Figures*
 113. *Tables*
 114. *Figures*
 115. *Tables*
 116. *Figures*
 117. *Tables*
 118. *Figures*
 119. *Tables*
 120. *Figures*
 121. *Tables*
 122. *Figures*
 123. *Tables*
 124. *Figures*
 125. *Tables*
 126. *Figures*
 127. *Tables*
 128. *Figures*
 129. *Tables*
 130. *Figures*
 131. *Tables*
 132. *Figures*
 133. *Tables*
 134. *Figures*
 135. *Tables*
 136. *Figures*
 137. *Tables*
 138. *Figures*
 139. *Tables*
 140. *Figures*
 141. *Tables*
 142. *Figures*
 143. *Tables*
 144. *Figures*
 145. *Tables*
 146. *Figures*
 147. *Tables*
 148. *Figures*
 149. *Tables*
 150. *Figures*
 151. *Tables*
 152. *Figures*
 153. *Tables*
 154. *Figures*
 155. *Tables*
 156. *Figures*
 157. *Tables*
 158. *Figures*
 159. *Tables*
 160. *Figures*
 161. *Tables*
 162. *Figures*
 163. *Tables*
 164. *Figures*
 165. *Tables*
 166. *Figures*
 167. *Tables*
 168. *Figures*
 169. *Tables*
 170. *Figures*
 171. *Tables*
 172. *Figures*
 173. *Tables*
 174. *Figures*
 175. *Tables*
 176. *Figures*
 177. *Tables*
 178. *Figures*
 179. *Tables*
 180. *Figures*
 181. *Tables*
 182. *Figures*
 183. *Tables*
 184. *Figures*
 185. *Tables*
 186. *Figures*
 187. *Tables*
 188. *Figures*
 189. *Tables*
 190. *Figures*
 191. *Tables*
 192. *Figures*
 193. *Tables*
 194. *Figures*
 195. *Tables*
 196. *Figures*
 197. *Tables*
 198. *Figures*
 199. *Tables*
 200. *Figures*
 201. *Tables*
 202. *Figures*
 203. *Tables*
 204. *Figures*
 205. *Tables*
 206. *Figures*
 207. *Tables*
 208. *Figures*
 209. *Tables*
 210. *Figures*
 211. *Tables*
 212. *Figures*
 213. *Tables*
 214. *Figures*
 215. *Tables*
 216. *Figures*
 217. *Tables*
 218. *Figures*
 219. *Tables*
 220. *Figures*
 221. *Tables*
 222. *Figures*
 223. *Tables*
 224. *Figures*
 225. *Tables*
 226. *Figures*
 227. *Tables*
 228. *Figures*
 229. *Tables*
 230. *Figures*
 231. *Tables*
 232. *Figures*
 233. *Tables*
 234. *Figures*
 235. *Tables*
 236. *Figures*
 237. *Tables*
 238. *Figures*
 239. *Tables*
 240. *Figures*
 241. *Tables*
 242. *Figures*
 243. *Tables*
 244. *Figures*
 245. *Tables*
 246. *Figures*
 247. *Tables*
 248. *Figures*
 249. *Tables*
 250. *Figures*
 251. *Tables*
 252. *Figures*
 253. *Tables*
 254. *Figures*
 255. *Tables*

10

6.36

1

—

28

2007

2.70

2/4

9.33

03

500

1. *Journal of Management Studies*, 1996, 33, 1, 1-14.

100

100

100

22

100

CITY COUNCIL MEETING: May 17, 2010

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: TEXT AMENDMENT REGARDING KEIZER STATION PLAN AREAS AND DESIGN GUIDELINES

This matter is before the City Council for consideration of the proposed text amendment regarding the retail square footage reallocation process for the Keizer Station area. The current provision in the Keizer Station Plan and Keizer Development Code allocates a total of 975,000 square feet for retail-type uses in all of Keizer Station. This total is allocated among the areas as follows:

<u>Areas</u>	<u>Square Footage Limitation for Specified Uses</u>
Area A –	
<i>Village Center</i>	675,000 sq. ft.
<i>Sports Center</i>	15,000 sq. ft.
Area B – <i>Retail Service Center</i>	80,000 sq. ft.
Area C – <i>Keizer Station Center</i>	135,000 sq. ft.
Area D – <i>Commerce Center</i>	70,000 sq. ft.
TOTAL	975,000 sq. ft.

Currently, if a property owner or developer wanted to change the maximum square footage for a particular area, they would have to request a text amendment. This type of proceeding is a legislative process, and although the Council could choose (or not) to initiate it, the Council would not be obligated to adopt any change in the allocation. If upon the conclusion of the public process, the Council chooses not to adopt any legislative change, that action is not appealable.

The proposed amendment would change this process. An applicant could request a reallocation of the maximum square footage in a master plan or master plan amendment application. This application is a quasi-judicial process in which the Council is bound to reach a decision to either deny, grant, or grant the application with conditions.

As discussed at the conclusion of the hearing, the advantage to this change is that the Council and the public would see a specific master plan proposal along with the reallocation request. The disadvantage is that if an applicant meets the criteria, the reallocation request must be granted. However, this disadvantage can be mitigated with the imposition of specific criteria.

The specific language is set forth in the pages immediately following this staff report. I reworded some of the text in the beginning paragraphs and in subsections (a), (b), and (c). However, these are not meant to be substantive changes. With regard to subsection (c), I felt the additional language that shows as deleted was not necessary and that a property owner can make an argument that another Area is not unduly burdened without the extra requirements.

New Subsection (d) requires a showing that the residents and property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. New Subsection (e) requires a finding that the citizens of Keizer will benefit from the reallocation considering all positive and negative impacts overall.

I also added a section clarifying that if the proposal suggests reducing the square footage in another Area that already has an approved Master Plan, then the proposed new limit cannot be less than what was approved in the Master Plan for such different area. To use an example, Area D currently has a limitation on retail-type uses of 70,000 square feet. Area D also has an approved Master Plan that shows approximately 39,000 square feet of retail uses. An applicant for a Master Plan in Area B or C could request a reallocation reducing Area D from the current 70,000 square feet, but it could not be reduced to a level less than 39,000 square feet.

The proposal reallocation language, in addition to being inserted in the Keizer Station Plan, was also repeated verbatim throughout all the different zoning chapters connected with the Keizer Station. I have revised that portion since it would be inappropriate to put in an actual number of square feet in the text of the Keizer Development Code if that number might change under the new process. Therefore, those chapters have a simple notation that there is a limit on the square foot usage without identifying the exact limit and indicating that that could change in a master plan or master plan amendment process.

RECOMMENDATION:

Review the matter and take appropriate action.

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

ESJ/tmh
attachments

DRAFT to City Council

5-10

SITE CHARACTERISTICS

One factor that will influence future development in the Keizer Station Plan area is the site's physical constraints. These constraints will shape where future development and infrastructure will be located include:

- Utility easements, including the BPA and PGE powerline easements;
- ODOT access easements; and
- Rail right-of-way.

Keizer Station Plan Areas and Design Guidelines

The Keizer Station Plan has evaluated each of the four areas from a development, urban design, transportation and public facilities perspective. Based on this evaluation, this Plan recommends a number of specific design guidelines and identifies development issues that will need to be addressed as development occurs in each area. The following section provides the specific area descriptions, design guidelines and issues that will guide future development for each of the following areas:

- Area A – Village Center/Sports Center
- Area B – Retail Service Center
- Area C – Keizer Station Center
- Area D – Commerce Center

To help create the mix of uses envisioned in the Keizer Station Plan, the floor area for specified uses, which generally have retail and commercial characteristics, is limited as provided in the Keizer Development Code (KDC). ~~Each area is limited with a prescribed amount of floor area for specific uses. The types of uses that are restricted are set forth in the applicable zones. The specific use restrictions are also included in the Keizer Development Code for each applicable zone and the Activity Center Overlay (ACO) Zone. The areas are restricted recommended guidelines are to the following amount of square footage for these specified uses as follows~~ Subject to an approved reallocation as provided below and in the KDC, the square footage of Specified Uses is allocated among the following areas as follows:

<u>Areas</u>	<u>Square Footage Limitation for Specified Uses</u>
Area A –	
<i>Village Center</i>	675,000 sq. ft.
<i>Sports Center</i>	15,000 sq. ft.

DRAFT to City Council

5-10

Area B – Retail Service Center	80,000 sq. ft.
Area C – Keizer Station Center	135,000 sq. ft.
Area D – Commerce Center	70,000 sq. ft.
TOTAL	975,000 sq. ft.

As part of a master plan application, an applicant may request a ~~different~~ reallocation of specified uses among Area A Keizer Station, Area A Sports, Area B, Area C, or Area D other than is specified herein. Approval of such a reallocation shall not be considered an amendment to this Keizer Station Plan, the City Keizer Comprehensive Plan or the Keizer Development Code. Any proposed reallocations of square footage of Specified Uses in Areas A-D may occur in either the context of an application for an amendment to a master plan or an application for master plan approval. The Council may approve such a request if it finds such request for a ~~revised~~ reallocation of the square footage for such specified uses meets all of the ~~requirements~~ criteria below:

- (a) Does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA as that TIA now exists or as it may from time to time be amended (Keizer Station TIA); ~~provided, however, the Council may approve such a request if it finds there are (a) significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA, and the Council (b) requires~~ unless additional mitigation beyond that specified in the Keizer Station TIA is required to make such identified traffic impacts consistent with the Level of Service and volume/capacity Standards in the Keizer Station TIA;
- (b) ~~Is consistent with the overall allowed amount of square footage for specified uses for the totality of all the KSP areas;~~ The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area;
- (c) ~~No o~~ Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the ~~any~~ reallocation. ~~(i) If no property owner in the Keizer Station areas (Areas A – D) formally objects to a proposed reallocation, then the city may presume (but is not required to presume) that the reallocation does not cause an undue burden. (ii) The city may find a proposed reallocation does not result in an undue burden notwithstanding that a one or more property owners in the Keizer Station areas (Areas A-D) claims otherwise.~~
- (d) Residents and/or property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation.
- (e) Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation.

DRAFT to City Council
5-10

A reallocation shall not reduce the amount of square footage allowed in an approved Master Plan for a different Area without the amendment of the Master Plan for such different Area. In other words, a reallocation can reduce the square footage for another Area, but not below the restricted use levels approved in the Master Plan for that Area.

1 BILL NO. _____

A BILL

ORDINANCE NO.
2010-_____

2
3 FOR

4
5 AN ORDINANCE

6
7 ALLOWING REALLOCATION OF KEIZER STATION RETAIL
8 LIMITATION; AMENDING KEIZER DEVELOPMENT CODE
9 REGARDING SECTION 2.107 (MIXED USE), SECTION 2.109
10 (COMMERCIAL RETAIL), SECTION 2.110 (COMMERCIAL
11 MIXED USE), SECTION 2.119 (GENERAL EMPLOYMENT),
12 SECTION 2.125 (ACTIVITY CENTER OVERLAY ZONE), AND
13 SECTION 3.113 (KEIZER STATION MASTER PLAN REVIEW);
14 AMENDING KEIZER STATION PLAN AREAS AND DESIGN
15 GUIDELINES (PAGES 9 TO 10 OF KEIZER STATION PLAN);
16 AMENDING ORDINANCE 98-389, ORDINANCE 2003-479
17 (EXHIBIT 2, PAGES 9 TO 10) AND ORDINANCE 2007-562
18 (EXHIBIT "C")

19
20 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
21 City Council amendments to the Keizer Development Code (Ordinance No. 98-389), the
22 Keizer Station Plan (Ordinance No. 2003-479), and an Ordinance Amending the Keizer
23 Station Plan (Ordinance No. 2007-562); and

24 WHEREAS, the City Council has held public hearings on this matter and
25 considered the testimony given and the recommendation of the Keizer Planning
26 Commission; and

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

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

4 NOW, THEREFORE,

5 The City of Keizer ordains as follows:

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

8 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
9 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption
10 of the changes to Section 2.107 (Mixed Use), Section 2.109 (Commercial Retail),
11 Section 2.110 (Commercial Mixed Use), Section 2.119 (General Employment), Section
12 2.125 (Activity Center Overlay Zone), and Section 3.113 (Keizer Station Master Plan
13 Review) as set forth in Exhibit "B" attached hereto, and by this reference incorporated
14 herein.

15 Section 3. AMENDMENT TO THE KEIZER STATION PLAN. The Keizer
16 Station Plan (Ordinance No. 2003-479, Exhibit 2, Pages 9-10) and amendment to the
17 Keizer Station Plan (Ordinance No. 2007-562, Exhibit "C") is hereby amended by the
18 adoption of the changes to the Keizer Station Plan Areas and Design Guidelines as set
19 forth in Exhibit "C" attached hereto, and by this reference incorporated herein.

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

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

11 PASSED this _____ day of _____, 2010.

12
13 SIGNED this _____ day of _____, 2010.

14
15
16
17
18
19
20

Mayor

City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to the Keizer Station Master Plan and to the Keizer Development Code (Section 2.107, Mixed Use; Section 2.109, Commercial Retail; Section 2.110, Commercial Mixed Use; Section 2.119, General Employment; Section 2.125, Activity Center Overlay; and Section 3.113, Keizer Station Master Plan Review)

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

The City of Keizer finds that:

1. General Findings.
 - a. Amendments to Keizer Station Master Plan; Section 2.107 (Mixed Use); 2.109 (Commercial Retail); 2.110 (Commercial Mixed Use); 2.119 (General Employment); 2.125 (Activity Center Overlay); and, 3.113 (Keizer Station Master Plan Review) of the Keizer Development Code (KDC) will establish a process to permit the reallocation of the maximum commercial square foot limit between the Keizer Station sub-areas.
 - b. The Keizer Station is a mixed used Activity Center that received design plan approval from the city in 2004. The Keizer Station is comprised of sub-areas A through D. Currently, Area A and Area D each have received separate master plan approval. At this time only Area A has any new development on it.
 - c. The particulars of this case are found within planning file Text Amendment 2010-02. Public hearings were held before the Planning Commission on March 17, 2010 and also before the City Council on April 5, 2010 and April 19, 2010. The Planning Commission reviewed the proposed revisions and unanimously recommended that they be adopted. The City Council directed staff to prepare findings and an ordinance to adopt the proposed text amendments.
 - d. On April 19, 2010 the City Council adopted Ordinance 2010-602 and Ordinance 2010-603 approving the relocation of the future commuter rail station from Area C to Area B; revisions to the master plan review criteria; and revisions to make the review of Keizer Station master plan proposals a Type III application process.
2. Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments

shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.

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

Findings: The proposed revisions to the Keizer Development Code and to the Keizer Station Master Plan reflect a demonstrated need. The City Council has recognized that periodically the KDC, and accompanying special plans, should be updated to avoid having these codes and other planning documents become so out of date that an update would be massive and costly.

Amendments to Keizer Station Master Plan; Sections 2.107 (Mixed Use); 2.109 (Commercial Retail); 2.110 (Commercial Mixed Use); 2.119 (General Employment); 2.125 (Activity Center Overlay); and, 3.113 (Keizer Station Master Plan Review) of the Keizer Development Code (KDC) will permit a process to consider the reallocation of the maximum retail square foot limit between the Keizer Station sub-areas. The total commercial area (975,000 square feet) for the whole Keizer Station will not change. The existing square footage allocation in the Keizer Station Master Plan is:

<u>Areas</u>	<u>Square Footage Limitation for Specified Uses</u>
Area A –	
<i>Village Center</i>	675,000 sq. ft.
<i>Sports Center</i>	15,000 sq. ft.
Area B – <i>Retail Service Center</i>	80,000 sq. ft.
Area C – <i>Keizer Station Center</i>	135,000 sq. ft.
Area D – <i>Commerce Center</i>	70,000 sq. ft.

The intent of this revision is to allow flexibility relative to accommodating unforeseen issues associated with a large scale development. It does not reflect a desire by any developer. The provision will establish a process whereby the City Council will be the approving body that grants a request to adjust a request for a reallocation of commercial square footage from one area to another area within the Keizer Station. An integral component of this process will be that it will allow for public participation. The specific need is directly related to the clear lack of a defined process for any reallocation request. Without a defined process any reallocation proposal then must utilize the text amendment process. This process was used in a recent reallocation of commercial square footage from Area A to Area C and was noted to be lacking in criteria for review and public notice. This revision will correct those flaws and will include clear criteria that will be used to consider if a reallocation request is appropriate. Another improvement is that it will include a defined public notice and public hearing process. It was observed that utilizing the legislative public notice process did not appear to

provide sufficient notice to all of the interested parties of adjacent property owners. This text amendment will expand the notice to include all adjacent property owners and will thereby result in a greater effort on behalf of the city to provide outreach for public participation. For these reasons this is determined that this amendment will meet this identified need and so meets with this criterion.

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

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

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the Planning Commission and the City Council. Public hearings were held before the Planning Commission on March 17, 2010, and before the City Council on April 5, 2010 and also on April 19, 2010. Citizens were afforded the opportunity to participate in the public process. Finally, the City Council meetings are televised which further provides an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of the planning process as required by this goal and with implementing administrative rules within Oregon Administrative Rules. As such the amendment to the city's development code and to the Keizer Station Master Plan will be consistent with this goal.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code and the Keizer Station Master Plan. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the planning commission and city council where an opportunity for both verbal and written testimony was provided and the City Council considered such testimony before making its decision. Therefore, the proposed revisions to the zone code and the Keizer Station Master Plan are consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there is only one zone located in the northwest portion of the city near the city's urban growth boundary that is designated to allow for commercial agricultural uses. The amendments involve regulations within the boundaries of the city limits of Keizer. The amendment establishing a process to consider the reallocation of commercial square footage within the Keizer Station will not impact any

properties that are designated to allow for agricultural uses. Especially, since there are no properties designated for commercial farm use either within the Keizer Station or adjacent to the Keizer Station. The nearest properties which are in farm use are to the east of the Keizer Station and the north of the Keizer Station and separated by significant features such as I-5 and the Labish Ditch. Both areas are outside of the city's urban growth boundary. Therefore, the proposed amendments will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits that allow for commercial forestry. Nor are there any commercial forest lands either within the Keizer Station or on lands that area adjacent to the Keizer Station. This amendment that will establish a process to reallocate commercial square footage within the Keizer Station does not impact any properties that are designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code and Keizer Station Master Plan amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation Overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. Much of this area is within an identified 100-year floodplain. The proposed amendments to the zone code regulations and to the Keizer Station Master Plan will only affect lands that are in the Keizer Station. None of this land is within the Resource Conservation Overlay zone. These amendments will not prohibit the lawful use of any properties that are within this overlay zone. A small portion of the Keizer Station along the edge of Labish Ditch is within a 100 year floodplain associated with this ditch. Any future development within this area will be required to be done in accordance with the city's floodplain regulations. There is no identified big game habitat area in the Keizer Station. There is a small wetland area within the small park located in the east central portion of Area A of the Keizer Station. This area has been identified and will be preserved for the natural qualities associated with this area and no development will be permitted within this area. Therefore, the amendments to the Keizer Station Master Plan, Section 2.107; Section 2.109; Section 2.100; Section 2.119; and Section 2.125 will be consistent with this goal and with administrative rules designed to implement this goal.

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

storm water regulations which are geared to maintain water quality in local rivers and 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 development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. The proposed revisions to the city's zone code regulations and revision to the Keizer Station Master Plan will establish a process to consider reallocation of commercial square footage with the Keizer Station and will have no impact on the quality of air, water, or land resources. It will not result in the overall commercial square footage building cap being increased since it will only allow a process to consider shifting some of commercial square footage between the various sub-areas within the Keizer Station. All development will still be required to connect to the established sanitary sewer system, connect to the city's water system, and minimize any adverse impacts to the land quality by adhering to the city's development code, storm water, and erosion control regulations and so will comply with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. Only a small portion of the Keizer Station that is located along the edge of Labish Ditch to the north is in a 100 year floodplain. Any development within this portion of the Keizer Station will be required to be done in accordance with the city's floodplain development regulations. There are no steep slopes within any of the Keizer Station so there will be no slope hazards issues. The revisions to the zone code and to the Keizer Station Master Plan to allow a process for considering reallocation of

commercial square footage in the Keizer Station will not impact any of the city's regulations that implement this goal and any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city's future park and recreation needs. There is an existing small park within Area A of the Keizer Station. No other park land is identified as being needed to serve future park needs within the Keizer Station. This existing park is developed and will not be affected by any of these revisions being considered. The proposed amendments to the Keizer Station Master Plan and to Section 2.107; Section 2.109; Section 2.100; Section 2.119; and Section 2.125 will have no impact on the recreational activities or uses of park lands within both the Keizer Station and the city. Therefore, this goal and any related rules are not applicable.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city is currently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning study of an economic opportunity analysis for the Salem – Keizer regional area. The intent of this study is to identify potential economic opportunities facing the area so as to be able to better plan to take advantage of these opportunities. Because this text amendment will not alter the already adopted commercial square footage cap approved for the entire Keizer Station but will only allow the shifting of commercial square footage within the Keizer Station it will have no impact on any regional economic strategies that might be developed as a result of this planning study. The Keizer Station was approved by the City Council in 2004 with plans that it would be developed as a multi-phase development with 4 sub areas that, when fully developed, would become a regional economic cornerstone of the city overall economic strategies. The Keizer Station is intended to provide a variety of commercial retail shopping options for consumers as well as provide employment opportunities for residents of Keizer and other nearby communities. Not only did the city endorse this type of development with the master plan approval but also with the formation of the urban renewal district and a local improvement district which were aimed to provide needed funding to felicitate the public improvements that were needed to develop the site. At present only Area A has any commercial development on it. Area D has received master plan approval and much of the necessary infrastructure is in place although there is no development in this area at this time. Areas B and C have not yet received master plan approval so there is no development in either of these areas. The intent of the text amendments is to clarify code requirements and to establish a process for the city to be able to consider any requests for reallocation of commercial square footage from one area of the Keizer Station to another area. The proposed amendment to the city's regulations will clarify and enhance the process which will be used for

any potential reallocation proposal. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The proposed amendments to allow a process to consider any reallocation of commercial square footage within the Keizer Station will have no impact the city's housing inventory. Lands within the Keizer Station are primarily intended to be development with a variety of commercial uses so any potential reallocation will not take away from any land that might otherwise be developed with residential uses. The exception to this is a portion of Area C which is likely to be developed with a residential component. This is consistent with the Mixed Use zoning and with the original master plan approval for the Keizer Station. However, at this time no proposal for master plan approval for Area C has been submitted. The proposed amendments to the Keizer Station Master plan and to the various sections of the Keizer Development Code will not impact either this goal or any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer through an arrangement with the City of Salem, has an established street system, administrative and police safety are also provided by the city. Fire protection service is provided by the Keizer Fire Department. The result of the proposed amendments to develop a process to consider reallocation requests within the Keizer Station will have no impact on these services. Area A and Area D are both developed with regard to public facilities (streets, water lines, sanitary sewer lines, storm drainage). Area B has some of the need facilities already in place and Area C has virtually none of needed facilities in place. Prior to any development occurring in these areas a master plan will need to be approved by the city identifying which public facilities are needed and then they will need to be located. The proposed amendments to Keizer Station Master Plan, Section 2.107; Section 2.109; Section 2.100; Section 2.119; Section 2.125 will only establish a process for the city to consider any request to reallocate the commercial square footage and will not impact the city's public facilities and services. It will continue to be a city requirement that new development connect to all of the required public facilities and that these facilities are sized accordingly to handle this development. Nothing in this text amendment will eliminate or remove any of those requirements. Any reallocation requests will have to show that the public facilities can accommodate the additional commercial square footage. Therefore, this text amendment complies with this goal and any rules which implement it.

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. Area A in the Keizer Station is developed with fully improved streets that meet city standards and are classified

as collector or local street depending the particular street. Area B and D each has an improved street within it, although Area B will likely require specific improvements as part of the development of this area. Area C has an existing street system which is inadequate to accommodate any development in this area and will need street improvements as part of any proposal to develop this area. As part of any master plan proposal a traffic impact analysis is required to be submitted which will then be used to determine the level of street improvements that will be needed to serve the new developments. The revision to the Keizer Station Master Plan, Section 2.107; Section 2.109; Section 2.100; Section 2.119; Section 2.125 to establish a process to consider request for reallocation of commercial square footage has within a provision regarding impacts on the transportation system. Specifically it will require that a finding be made that the request does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA as that TIA now exists or as it may from time to time be amended (Keizer Station TIA), provided, however, the Council may approve such a request if it finds there are (a) significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA, and the Council (b) requires additional mitigation beyond that specified in the Keizer Station TIA to make such identified traffic impacts consistent with the LOS and v/c Standards in the Keizer Station TIA. Matt Hughant, Senior Planner with Kittleson and Associates submitted a letter stating that “in his professional opinion that the text amendment would result in no significant impact on an existing or planned transportation facility”. As such, the text amendment will not have any adverse impact any of the city’s public transportation systems, and so this goal and any rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments and the amendment to the Keizer Station Master Plan to allow a process to consider the reallocation of commercial square footage within the Keizer Station will have not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revisions will only affect land that is within the Keizer Station which is also within the city limits of Keizer. This is land that has been approved for development with the Keizer Station, a shopping center development. However, each sub-area requires a separate master plan approval. To date only Areas A and D have received master plan approval from the city. The proposed zone code revision to establish a process for the city consider requests for reallocation of commercial square footage will only affect those areas within the Keizer Station. It will not result in the approved commercial square footage for the entire Keizer Station being increased so will not result in an increase in the

overall development. With the Keizer Station being bounded by I-5 to the east and Labish Ditch to the north creates a natural transition from urban to non-urban uses. It is not the intent of this text amendment to interfere with any lawful uses on lands that are outside of the city's urban growth boundary. As such, the text amendment will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River since the Keizer Station is located several miles inland from the river and so the proposed amendment to the Keizer Station Master Plan, Section 2.107; Section 2.109; Section 2.100; Section 2.119; Section 2.125 will not impact this goal or any implementing administrative rules.

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 revision to the Keizer Station Master Plan, Section 2.107; Section 2.109; Section 2.100; Section 2.119; Section 2.125; and Section 3.113 complies 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 the desirable, appropriate, and proper.

FINDINGS: The proposed amendment is intended in part to correct several identified errors within the existing development regulations. The intent of the text amendment is to resolve a number of ambiguities within this section and to clarify code requirements. The provision will establish a process whereby the City Council will be the approving body that grants a request for an allocation of commercial square footage within the Keizer Station. An integral component of this process will be that it will allow for public participation. The specific need is directly related to the clear lack of a defined process for any reallocation requests. Without a defined process any reallocation then utilizes the text amendment process. This was the process that was used in a recent reallocation of commercial square footage from Area A to Area C and was noted to be lacking in criteria

for review and public notice. This revision will correct those flaws and will include clear criteria that will be used to consider if the reallocation is appropriate. Another improvement is that if a reallocation proposal to either an amendment for an existing master plan or to an application for a new master plan proposal will assure that there will be a defined public notice and public hearing process. The proposed amendment spells out the process that will be used such that any proposed reallocations of square footage of Specified Uses in Areas A-D may occur in either the context of an application for an amendment to a master plan or an application for master plan approval.

The proposed amendments are not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revisions to the Keizer Station Master Plan, Section 2.107; Section 2.109; Section 2.100; Section 2.119; Section 2.125; and Section 3.113 are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.107 MIXED USE (MU)

2.107.01 Purpose

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

(4/08)

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

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

2.107.02 Permitted Uses

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

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

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

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

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

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

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

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

4. **Transit Facilities** (Section 2.305). (Ordinance No. is 2009-586, 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:

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

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

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

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

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

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

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

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

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

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

3. **Personal services** (72) BUT EXCLUDING: power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants,

except rug cleaning (7216), carpet and upholstery cleaning (7217);
and industrial launders (7218). (5/98)

4. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
5. **Watch, clock and jewelry repair** (763). (5/98)
6. **Recreational or athletic clubs**. (5/98)
7. **Health services** (80) BUT EXCLUDING hospitals (806). (5/98)
8. **Legal services** (81). (5/98)
9. **Miscellaneous services** (89). (5/98)
10. **Community or neighborhood clubs**. (5/98)
11. **Parking lots**. (5/98)
12. **Pet Grooming** (801)

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

2.107.03 Special Permitted Uses

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

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

5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

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). (Ordinance No. is 2009-586, 5/09)

2.107.05 Use Restrictions

- A. The following uses are not permitted: (04/08)
 1. **Farm Use**. (5/98)
 2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
 3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (04/08)
 4. **Camping or over-night in parking lots**. (04/08)
- B. Retail uses as set forth in Section 2.107.02(l) are limited to buildings not exceeding 10,000square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (04/08)
 1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering

DRAFT to City Council
5-10

when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (04/08)

2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (04/08)
 3. In addition to the requirements in Section 2.315.08, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (04/08)
 4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (04/08)
 5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (04/08)
 6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (04/08)
 7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (04/08)
 8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (04/08)
- C. A retail building of the type described in Section 2.107.02(l) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (04/08)

D. Larger Format Stores.

1. Retail buildings of the type described in Section 2.107.02(l) 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(l). (04/08)
2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(l) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (04/08)
3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (04/08)

E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area of ~~135,000 square feet~~ shall apply to the uses identified in Section 2.107.02(l). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (04/08)

- F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (04/08)
- G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (04/08)

1. Pedestrian Access, Safety and Comfort (04/08)
 - a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (04/08)
 - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (04/08)

DRAFT to City Council
5-10

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

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

 - a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (04/08)
 - b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (04/08)
 - c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (04/08)

DRAFT to City Council
5-10

- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (04/08)
 - e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)
4. Reduced Parking (04/08)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (04/08)
5. Creating and Protecting Public Spaces (04/08)
 - a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (04/08)
 - b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (04/08)
6. Human Scaled Building Design (04/08)

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

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

In addition, the provisions within Section 3.113.05 apply.

2.107.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

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

**DRAFT to City Council
5-10**

Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet(4)

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet.* (5/98)
- (2) *Multi-family development must comply with the density standard in Section 2.107.07.1* (06/07)
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks.* (06/07)
- (4) *Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process.* (04/08)

B. Minimum Yard Setback Requirements

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

- (1) *For all MU zoned property fronting Cherry Avenue south of Manbrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback.* (5/98)
- (2) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404.* (5/98)
- (3) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines.* (06/07)
- (4) *The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the*

adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)

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

2.107.07 Development Standards

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

- A. Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
 - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
 - 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)

DRAFT to City Council
5-10

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:	75%

I. **Density:**

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

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

2.109 COMMERCIAL RETAIL (CR)

2.109.01 Purpose

The purpose of the CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The Commercial Retail zone is appropriate in those areas designated Commercial in the Comprehensive Plan when the location has access to a collector or arterial street. (5/98)

2.109.02 Uses

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

- A. **One dwelling unit in conjunction with the commercial uses(s)** of the lot. (5/98)
- B. **Offices for any use listed in SIC Division C - Construction.** (5/98)
- C. **Post offices (43).** (5/98)
- D. **Building materials, hardware, retail nurseries, and garden supply (52)** except mobile home dealers (527). (5/98)
- E. **General merchandise stores (53).** (5/98)
- F. **Food stores (54).** (5/98)
- G. **Auto and home supply stores (553).** (5/98)
- H. **Gasoline service stations (554) (SU 12.52)** except as provided in Section 28.03, below. (5/98)
- I. **Eating and drinking places (58)** except as provided in Section 28.03, below. (5/98)
- J. **Miscellaneous retail (59)** except fuel and ice dealers (598) provided all display is within a building. (5/98)
- K. **Used Merchandise Store (SU 12.48)** provided all display is within a building. (5/98)
- L. **Vehicle sales and secondary repair** except as provided in Section 28.03, below. (5/98)
- M. **Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).** (5/98)

DRAFT to City Council
5-10

- N. **Hotels, motels, and tourist courts (701).** (5/98)
- O. **Religious organizations (SU 12.60).** (5/98)
- P. **Veterinary services (074) (SU 12.42 in urban areas).** (5/98)
- Q. **Membership organizations (86).** (5/98)
- R. **Public utility structures and buildings** except as provided in Section 28.03, below. (5/98)
- S. **Recreational vehicle parks (7033) (SU 12.40)** except as provided in Section 28.03, below. (5/98)
- T. Uses prescribed in Chapter 21. (5/98)
- U. **Unlimited number of guest rooms** including **rooming and boarding houses (702)**, organization hotels and lodging homes on membership basis (704). (5/98)
- V. **Signs (SU Chapter 15).** (5/98)
- W. **Bed and breakfast establishments (SU 12.26).** (5/98)
- X. **Miscellaneous amusement and recreation services (799)** except golf courses (7992) and amusement parks (7996). (5/98)
- Y. **Landscape counseling and planning (0781).** (5/98)
- Z. **News dealers and newsstands (5994).** (5/98)
- AA. **Commercial printing (275).** (5/98)
- BB. **Communications (48).** (5/98)
- CC. **Apparel and accessory stores (56).** (5/98)
- DD. **Furniture, home furnishings, and equipment stores (57).** (5/98)
- EE. **Electrical and lighting shops and office machines and equipment stores.** (5/98)
- FF. **Personal services (72)** except carpet and upholstery cleaning (7217) and industrial launderers (7218). (5/98)

DRAFT to City Council
5-10

- GG. **Business services** (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391). (5/98)
- HH. **Automobile parking** (752) except as provided in Section 28.03, below. (5/98)
- II. **Watch, clock, and jewelry repair** (763). (5/98)
- JJ. **Motion picture distribution** and allied services (782). (5/98)
- KK. **Motion picture theaters** (783) except drive-ins (7838). (5/98)
- LL. **Dance halls, studios, and schools** (791). (5/98)
- MM. **Theatrical producers** (except motion pictures), **bands, orchestras, and entertainers** (792). (5/98)
- NN. **Bowling alleys and billiard and pool establishments** (793). (5/98)
- OO. **Health services** (80) except hospitals (806). (5/98)
- PP. **Ambulance service**. (5/98)
- QQ. **Legal services** (81). (5/98)
- RR. **Educational services** (82). (5/98)
- SS. **Social services** (83). (5/98)
- TT. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
- UU. **Miscellaneous services** (89). (5/98)
- VV. **Executive offices** (911). (5/98)
- WW. **Executive and legislative combined** (913). (5/98)
- XX. **Finance, taxation, and monetary policy** (93). (5/98)
- YY. **Administration of human resources programs** (94). (5/98)
- ZZ. **Administration of environmental quality and housing programs** (95). (5/98)
- AAA. **Administration of economic programs** (96). (5/98)
- BBB. **National security and international affairs** (97). (5/98)

**DRAFT to City Council
5-10**

- CCC. **Automotive Dealers** (55) but excluding gasoline service stations (554) except as provided in Section 28.03, below. (5/98)
- DDD. **Adult entertainment business** (SU 12.50). (5/98)
- EEE. **Billboards** (non appurtenant signs) (SU Chapter 15). (5/98)
- FFF. **Mixed-use buildings** (SU 12.46). (5/98)
- GGG. **Residential home care and adult residential home care.**
- HHH. **Printing & Publishing** (Ord 87-078) (Ord 92-232) (Ord 96-357)
- III. **Child foster home** for five or fewer children as a secondary use. (6/99)
- JJJ. **Pet Grooming** (6/01)
- KKK. **Transit Facilities** (Section 2.305). (Ordinance 2009-586 – 05/09)

2.109.03 Conditional Uses

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

- A. **Water supply** (494). (5/98)
- B. **Carpet and upholstery cleaning** (7217). (5/98)
- C. **Automotive rental and leasing, without drivers** (751) except as provided in Section 28.03, below. (5/98)
- D. **Automotive repair shops** (753) except as provided in Section 28.03, below. (5/98)
- E. **Automotive services**, except repair (754) except as provided in Section 28.03, below. (5/98)
- F. **Electrical repair shops** (762). (5/98)
- G. **Reupholstery and furniture repair** (764). (5/98)
- H. **Professional sports clubs and promoters** (7941). (5/98)
- I. **Utilities - secondary truck parking and material storage yard** except as provided in Section 28.03, below. (5/98)
- J. **Manufacture of jewelry, silverware, and plated ware** (391). (5/98)

**DRAFT to City Council
5-10**

- K. **Manufacture of costume jewelry, novelties, buttons, etc.** (396). (5/98)
- L. **Local and suburban passenger transportation** (411). (5/98)
- M. **Intercity and rural highway passenger transportation** within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413).(Ord 87-078)(Ord 96-357) (5/98)
- N. **Transit Station** (Section 2.429). (Ordinance 2009-586 – 05/09)

2.109.04 Prohibited Uses

The following uses are prohibited from the 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. 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. (5/98)

- A. **Gasoline service stations** (554) (SU 12.52). (5/98)
- B. **Drive-Through windows or car service associated with eating and drinking places** (58). (5/98)
- C. **Vehicle sales and secondary repair.** (5/98)
- D. **Public utility structures and buildings.** (5/98)
- E. **Recreational vehicle parks** (7033) (SU 12.40). (5/98)
- F. **Automobile parking not associated with an allowed use** (752). (5/98)
- G. **Automotive Dealers** (55). (5/98)
- H. **Automotive rental and leasing, without drivers** (751). (5/98)
- I. **Automotive repair shops** (753). (5/98)
- J. **Automotive services, except repair** (754). (5/98)
- K. **Utilities – secondary truck parking and material storage yard.** (Ord 96-357) (5/98)

2.109.05 Use Restrictions

A limitation of the total floor area of specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area of 135,000 square feet shall apply to the uses identified in Sections 2.109.02 (D) – (M), (Z), (CC) – (EE), (CCC) and (DDD). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (07/07)

2.109.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Commercial	Mixed Use
Lot Size	None (1)	None (1)
Average Width	None	None
Average Depth	None	None
Maximum Height	50 feet	50 feet

- (1) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.107.07.* (5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Commercial	Mixed Use
Front	10 feet	10 feet
Side	(1)	(1)
Rear	(1)	(1)
Street-side (2)	10 feet	10 feet
Garage entrance (3)	20 feet (3)	20 feet (3)

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property.* (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)*

2.109.07 Development Standards

All development in the CR 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)

DRAFT to City Council
5-10

- 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 is 10%. (5/98)
- 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%

2.109.08 Design Standards

All development in the CR 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 CR zone shall comply with the following standards: (5/98)
 - a. Non-residential structures shall comply with the provisions in Section 2.314 - Design Standards. (5/98)
- B. Circulation - Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)
 - 1. Streets - New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)

DRAFT to City Council

5-10

2. Internal Driveway Connections - Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)
3. Pedestrian Ways - Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)
4. Pedestrian Connections - Pedestrian walkways shall be provided between buildings and the public right-of-way. Walkways shall be provided between adjoining commercial buildings when not connected by a public sidewalk. Walkways shall be not less than five feet in width and shall be constructed of concrete or similar material that is clearly distinguished from parking area pavement. (5/98)

2.110 COMMERCIAL MIXED USE (CM)

2.110.01 Purpose

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

2.110.02 Permitted Uses

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

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

DRAFT to City Council

5-10

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).** (Ordinance 2009-586 – 05/09)

DRAFT to City Council
5-10

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

1. **Shared housing facilities** (Section 2.403). (5/98)
2. **Zero side yard dwelling units** (Section 2.404). (5/98)
3. **Home occupations** (Section 2.407). (5/98)
4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.110.05, below. (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.110.05, below. (5/98)
10. **Veterinary services** (074) (Section 2.414). (5/98)
11. **Funeral service and crematories** (726) (Section 2.415). (5/98)
12. **Used Merchandise Store** (Section 2.417)
13. **Adult entertainment business** (Section 2.418). (5/98)
14. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.05, below. (5/98)
15. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.110.05, below. (5/98)
16. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.05, below. (5/98)
17. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
18. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

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)**. (Ordinance 2009-586 – 05/09)

2.110.05 Use Restrictions

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

- A. **Farm Use**. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. The following uses are prohibited from any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (12/03)
 - 1. **Gasoline service stations (554)**. (5/98)
 - 2. **Drive-Through windows or car service associated with eating and drinking places (58)**. (5/98)
 - 3. **Vehicle sales and secondary repair**. (5/98)
 - 4. **Public utility structures and buildings**. (5/98)
 - 5. **Recreational vehicle parks (7033)**. (5/98)
 - 6. **Automobile parking not associated with an allowed use (752)**. (5/98)
 - 7. **Automotive Dealers (55)**. (5/98)
 - 8. **Automotive rental and leasing, without drivers (751)**. (5/98)
 - 9. **Automotive repair shops (753)**. (5/98)

10. Automotive services, except repair (754). (5/98)

11. 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 of ~~80,000 square feet~~ shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E)(12) – (14). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (07/07)

2.110.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

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

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

DRAFT to City Council
5-10

B. Minimum Yard Setback Requirements

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (3) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (4) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (5) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.110.07 Development Standards

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

A. Off-street parking:

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

DRAFT to City Council
5-10

2. No off-street parking is required for uses above the ground floor.
(5/98)
 3. The off-street parking requirement for residential uses is one space per unit. (5/98)
 4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- D. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.
1. The minimum landscaped area requirements shall be as follows:

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

- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Min</u>	<u>Max.</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)

DRAFT to City Council
5-10

- b. Multi-family buildings and non-residential structures shall comply with the provisions in Section 2.314 - Design Standards. (5/98)
- B. Circulation - Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)
 - 1. Streets - New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)
 - 2. Internal Driveway Connections - Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)
 - 3. Pedestrian Ways - Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)
 - 4. Pedestrian Connections - Pedestrian walkways shall be provided between buildings and the public right-of-way. Walkways shall be provided between adjoining commercial buildings when not connected by a public sidewalk. Walkways shall be not less than five feet in width and shall be constructed of concrete or similar material that is clearly distinguished from parking area pavement. (5/98)

2.119 GENERAL EMPLOYMENT (EG)

2.119.01 Purpose

The General Employment (EG) zone is located within the Keizer Station Plan (KSP) Area A – Village Center, and it corresponds directly with the Special Planning District (SPD) designation as described in the KSP and the Keizer Comprehensive Plan. Consistent with the KSP, the EG zone promotes a complementary mix of economic uses, development intensity, and development standards along with a wide range of employment opportunities. The EG zone regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns, while enhancing economic opportunities in Keizer. The intent is to promote attractive industrial/commercial areas, which will support the economic viability of the City. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. (2/03)

2.119.02 Commercial and Industrial Use Limitations

- A. To implement the KSP, the EG zone requires that a minimum of 25% of all the EG zone land area be devoted to listed Industrial Uses and allows a maximum of 75% of the EG zone land area to be developed with Commercial Uses. The specific Industrial and Commercial Uses are defined in this chapter. The EG zone is unique because the location of the particular areas devoted to Industrial and Commercial Uses shall be determined as part of the required Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (2/03)
- B. The land use limitations of the EG zone include: (2/03)
 1. Permitted and Special Permitted Industrial Uses, in Sections 2.119.03 and 2.119.04 respectively, represent the allowable uses for the portion of the EG zone so designated as part of the Site Master Plan approval required by Chapter 2.125. A minimum of 25% of the land area of the EG zone shall be devoted to these uses. (2/03)
 2. Permitted and Special Permitted Commercial Uses, in Sections 2.119.05 and 2.119.06 respectively, represent the allowable uses for the portion of the EG zone so designated as part of a Site Master Plan approval required by Chapter 2.125. A maximum of 75% of the land area of the EG zone may be devoted to these uses. (2/03)
 3. Use restrictions, which apply to the entire EG zone, are identified in Section 2.119.07. (2/03)

2.119.03 Permitted Industrial Uses

Industrial Development. The following uses, drawn from the IBP and IG zones, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a minimum 25% gross acreage of the Village Center: (2/03)

A Construction contractor's offices. (15) (2/03)

B. Manufacturing;

1. Bakery products. (205) (2/03)
2. Beverages. (208) (2/03)
3. Miscellaneous food preparations and kindred products. (209) (2/03)
4. The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015)) (2/03)
5. Textile mill products. (22) (2/03)
6. Apparel and other finished products made from fabrics and similar products. (23) (2/03)
7. Wood kitchen cabinets. (2434) (2/03)
8. Nailed and lock corner wood boxes and shook. (2441) (2/03)
9. Wood products, not elsewhere classified. (2499) (2/03)
10. Furniture and fixtures. (25) (2/03)
11. Paperboard containers and boxes. (265) (2/03)
12. Printing, publishing, and allied industries. (27) (2/03)
13. Drugs (283), **BUT EXCLUDING biological products, except diagnostic substances (2836)** (2/03)
14. Leather and leather products (31) **BUT EXCLUDING leather tanning and finishing.** (311) (2/03)

DRAFT to City Council
5-10

15. Glass products, made of purchased glass. (323) (2/03)
16. Pottery and related products. (326) (2/03)
17. Metal cans and shipping containers. (341) (2/03)
18. Cutlery, hand tools, and general hardware. (342) (2/03)
19. Heating equipment, except electric and warm air, and plumbing fixtures. (343) (2/03)
20. Fabricated structural metal products. (344) (2/03)
21. Screw machine products, and bolts, nuts, screws, rivets, and washers. (345) (2/03)
22. Metal forgings and stampings. (346) (2/03)
23. Metalworking machinery and equipment. (354) (2/03)
24. Special industry machinery, except metalworking machinery. (355) (2/03)
25. Pumps and pumping equipment. (3561) (2/03)
26. Office, computing, and accounting machines. (Computer and Office Equipment (357); Calculating and Accounting Machines, Except Electronic Computers (3578); Office Machines, Not Elsewhere Classified (3579) (2/03)
27. Electrical and electronic machinery, equipment, and supplies. (Electronic and other electrical equipment and components, except computer equipment (36) (2/03)
28. Transportation Equipment. (37) (2/03)
29. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (38) (2/03)
30. Miscellaneous manufacturing industries. (39) (2/03)

C. Transportation, communications, electric, gas, and sanitary services;

1. Communication. (48) (2/03)

DRAFT to City Council
5-10

1. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49)) (2/03)
- D. **Wholesale trade-nondurable goods (51)** BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified. (5199) (2/03)
- E. **Wholesale trade-durable goods (50)** BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093) (2/03)
- F. **The uses listed in above A through D, excluding B(1) shall:**
 1. Be within an enclosed building; and (2/03)
 2. Permit retail sales of products manufactured on the site. (2/03)
- G. **Services**
 1. Computer and data processing services. (737) (2/03)
 2. Research and development laboratories. (2/03)
 3. Management, consulting, and public relations services. (Management and Public Relations Services (874) (2/03)
 4. Noncommercial educational, scientific, and research organizations. (2/03)
- H. **Office Uses:**
 1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U. (2/03)
- I. **Finance, Insurance, and Real Estate;**
 1. Commercial and Stock Savings Banks. (602) (2/03)
 2. Mutual Savings Bank. (2/03)

DRAFT to City Council
5-10

3. Savings and Loan Associations. (603) (2/03)

4. Personal Credit Institutions. (614) (2/03)

J Public Administration; (2/03)

1. Fire Protection. (9224) (2/03)

K. Retail trade;

1. Eating and drinking places. (2/03)

L. Services;

1. Hotels, motels, and tourist courts. (2/03)

2. Child daycare services. (2/03)

3. Membership sports and recreation clubs. (2/03)

4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)

5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833). (07/06)

6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)

7. Miscellaneous services, including pest control (7342). (2/03)

M. Transit facilities (Section 2.305) (Ordinance 2009-586 May 2009)

N. Flexible Space Uses. (2/03)

1. The following flexible space uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:

a. Food Stores (54). (2/03)

b. Apparel and Accessory Stores (56). (2/03)

c. Furniture, Home Furnishings and Equipment Stores (57). (2/03)

- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (2/03)
 - e. Business Services. (2/03)
 - f. Miscellaneous Repair Services. (2/03)
2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply; (2/03)
- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (L)(1)(a) – (d). (2/03)
 - b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site. (2/03)
 - c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the acreage identified for IBP uses within the EG zone. (2/03)
 - d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building; (2/03)
 - ii. Be enclosed with a sight-obscuring fence or wall; (2/03)
 - iii. Have at least one side conterminous with the building that it serves; (2/03)
 - iv. Have no opening within fifty feet and visible from any property boundary; and (2/03)
 - v. Meet the other applicable requirements of this ordinance. (2/03)

- e. Loading doors shall have no opening within 75 feet and visible from any street or property boundary. (2/03)
- f. All buildings shall be capable of being redeveloped as flexible industrial space. (2/03)

2.119.04 Special Permitted Industrial Uses

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.03 under the applicable development standards in this Zoning Ordinance. (2/03)

2.119.05 Conditional Uses (Industrial Uses)

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

- A. Transit Stations (Section 2.429). (Ordinance 2009-586 – 05/09)

2.119.06 Permitted Commercial Uses

Commercial Development. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the EG zone on a maximum 75% gross acreage of the Village Center: (2/03)

- 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. (2/03)
- B. **Residential homes** and facilities. (2/03)
- C. **Child day care** service, including family day care provider. (8351) (2/03)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (2/03)
- E. **Landscape** counseling and planning (0781). (2/03)
- F. **Offices** for any use listed in SIC Division C - Construction. (2/03)
- G. **Commercial printing** (275). (2/03)
- H. **Transportation, Communication and Utilities.** (2/03)
 - 1. **Public utility structures and buildings.** (2/03)
 - 2. **Post office** (43). (2/03)

3. **Travel agency (4722).** (2/03)
4. **Communications (48).** (2/03)
5. **Transit Facilities (Section 2.305).** (Ordinance 2009-586 – 05/09)
- I. **Retail Trade.** (2/03)
 1. **Building materials, hardware, retail nurseries, and garden supply (52), BUT EXCLUDING mobile home dealers (527).** (2/03)
 2. **General merchandise stores (53).** (2/03)
 3. **Food stores (54).** (2/03)
 4. **Apparel and accessory stores (56).** (2/03)
 5. **Home furniture, furnishings, and equipment stores (57).** (2/03)
 6. **Eating and drinking places (58).** (2/03)
 7. **Miscellaneous retail (59), BUT EXCLUDING fuel and ice dealers (598).** (2/03)
 8. **Electrical and lighting shops and office machines and equipment stores.** (2/03)
- J. **Business, Professional and Social Services.** (2/03)
 1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67).** (2/03)
 2. **Hotels, motels and tourist courts (701).** (2/03)
 3. **Organization hotels and lodging houses on membership basis (704).** (2/03)
 4. **Personal services (72) BUT EXCLUDING industrial launderers (7218).** (2/03)
 5. **Business services (73) BUT EXCLUDING disinfecting and exterminating services (7342).** (2/03)
 6. **Parking lots in accordance with Section 2.303.04 of this Ordinance. (7521)** (2/03)
 7. **Miscellaneous repair services (76).** (2/03)
 8. **Motion pictures (78), BUT EXCLUDING drive-ins (7838).** (2/03)
 9. **Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).** (2/03)

DRAFT to City Council
5-10

10. **Health services** (80), BUT EXCLUDING hospitals (806). (2/03)
11. **Legal services** (81). (2/03)
12. **Elementary and secondary schools** (8211). (2/03)
13. **Correspondence schools and vocational schools** (824). (2/03)
14. **Schools and educational services** not elsewhere classified (829). (2/03)
15. **Social services** (83). (2/03)
16. **Museums, art galleries, botanical and zoological gardens** (84). (2/03)
17. **Membership organizations** (86). (2/03)
18. **Miscellaneous services** (89). (2/03)

K. Public Administration (91 - 97). (2/03)

2.119.07 Special Permitted Commercial Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone: (2/03)

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.05 under the applicable development standards in this Zoning Ordinance. (2/03)
- B. The following **special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone: (2/03)
 1. **House of Worship** (Section 2.423). (2/03)
 2. **Veterinary services** (074) (Section 2.414). (2/03)
 3. **Funeral service and crematories** (726) (Section 2.415). (2/03)
 4. **Used Merchandise Store** (Section 2.417). (2/03)
 5. **Service stations** (554) (Section 2.419) (2/03)
 6. **Automobile services** (75) (Section 2.420) BUT EXCLUDING automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754). (2/03)
 7. **Commuter Rail Station** (2/03)

2.119.08 Conditional Uses (Commercial Uses)

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

- A. Transit Station (Section 2.429). (Ordinance 2009-586 – 05/09)

2.119.09 Use Restrictions

- A. The following uses are **prohibited** to be established in the EG zone: (2/03)
1. Farm Use. (2/03)
 2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
 3. Vehicle sales and secondary repair.
 4. General Storage, including boat and RV storage.
 5. Recreational vehicle parks (7033).
 6. Automotive Dealers (55).
 7. Automotive rental and leasing, without drivers (751).
 8. Automotive repair shops (753).
 9. Automotive services, except repair (754).
- B. A limitation of the total floor area of specified uses applies to all of Area A – Village Center of the Keizer Station Plan. A maximum total floor area of 675,000 square feet shall apply to the uses identified in Sections 2.119.03 (K) and 2.119.06 (I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (07/07)

2.119.010 Development Standards

- A. Purpose. The Keizer Station Plan requires the development of Master Plans for each of the four areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.
- B. Master Plan Required. A master plan must be reviewed and approved by the City Council prior to subdivision platting or development. The Master

Plan shall be reviewed through a Type II-B review process in accordance with this Section. It is recognized that the applicant of the master plan for the area may not own or control all the land within the master plan boundary. The master plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.

1. The Master Plan will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan is adopted, the proposed development of each use shall be reviewed through Development Review as required in Section 2.315 of the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.
2. The Master Plan shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code.

2.119.011 Dimensional Standards

- A. Purpose. The lot size standards promote new lots and parcels with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots or parcels, which are difficult to develop or to aggregate with other lots or parcels. The standards also discourage narrow lots or parcels, which increase demand for curb cuts. The EG zone is specifically designed for the property Contained in Area A – Village Center in the Keizer Station Plan. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial uses listed in Sections 2.119.05 and .06 and a minimum twenty-five percent (25%) industrial uses listed in Sections 2.119.03 and 04. Uses shall be established in conformity with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below. (07/06)

B. Minimum Lot Dimension Requirements.

1. Unless exempted under Section (4) below, within the acreage identified for commercial uses, at least eighty percent (80%) of the area of lots or qualified abutting lots must meet Standard A stated in the table within this subsection and the remainder lots or parcels must meet Standard B. (07/06)

2. Unless exempted under Section (4) below, within the acreage identified for industrial uses, at least eighty percent (80%) of the area of lots or qualified abutting lots must meet Standard C stated in the table within this subsection and the remainder of the lots or parcels must meet Standard D. (07/06)
3. Qualified abutting lots:
 - a. Qualified abutting lots are defined as lots or parcels having the same classification as either all industrial or all commercially designated lands, that abut one another on at least one side and where there is no plan or proposal for curb cuts that would otherwise not be allowed if each individual lot was required to meet the dimensional standards of this Section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of determining such qualified abutting lots' compliance with the dimensional standards of this Section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of classification of such qualified abutting lots under Section A, B, C, or D below. (07/06)
 - b. In the absence of the approval of a variance, for purposes of determining compliance with the dimensional standards below, any groups of qualified abutting lots shall consist of no more than four (4) individual lots or parcels. (07/06)
4. Exempt Lots, Parcels or Tracts. Lots, parcels or tracts created only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space are exempt from the lot size and shape standards of this section. Lots, parcels, or tracts that are less than one acre in size, the perimeter of which is 80% or more surrounded by existing public rights of way or land that has previously been dedicated to the public for public access purposes are exempt from the classification standards and dimensional standards in the chart in the section that immediately follows. (07/06)

COMMERCIAL (2.119.05 & .06)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
INDUSTRIAL (2.119.03 & .04)	Standard C	3 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

*Note: by definition, Qualified Abutting lots are lots or parcels of the same use type designation – either commercial or industrial – that may be considered as if they are single lot or parcel for purposes of determining compliance with applicable dimensional standards and to determine classification as Standard A-D under this chart.

2.119.12 Development Standards

A. Height, Setback, Coverage, and Landscaping Requirements (07/06)

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot or parcel Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot or parcel Area
Commercial (2.119.05 & .06)			Min	Max			
	100 ft. (1)	85% (2)	10 ft.	20 ft. (3)	None	40 ft.	15% (5)(6)
Industrial (2.119.03 & .04)	100 ft. / 15ft. within 50 of any residential zone (1)	80% (2)	10 ft.	None	None	40 ft.	20% (5)(6)

- (1) Height Exceptions. Exceptions to the maximum height standard are stated below.
 - a. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 - b. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment, which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
 - c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.
- (2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.
- (3) Alternative maximum setback option for large commercial uses.
 - a. Purpose. The intent of these regulations is to allow significantly deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks. (2/03)
 - b. Regulation. Commercial buildings that exceed 100,000 square feet of floor area are exempt from the maximum setback requirements identified in Section 2.119.10.A. provided the pedestrian system connects buildings on the site to all adjacent properties. (2/03)
- (4) Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all

applicable standards identified in Section 2.309 of the Keizer Development Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (07/06)

"Landscaped Area" must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably requires and continues to reasonably require human management to distinguish the area from a natural area. (07/06)

Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or streetscaped area within the right-of-way to be included within the minimum landscape area requirement. (2/03)

- (5) Streetscaping. Streetscaping is defined as pedestrian oriented improvements to property. Streetscaping may include, but is not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (07/06)
 - (a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscaped areas may be included in the minimum landscape area for a proposed development. (2/03)
- (6) Parking
 - (a) Averaging. KSP areas are master planned and as such are designed to be both planned and developed as a whole. Shared parking is encouraged in master planned areas. Therefore, parking within the KSP areas subject to a master plan, shall be deemed to meet the maximum and the minimum parking requirements set forth in the City's code so long as a parking plan is approved that contains a total number of parking spaces which is neither above the aggregate maximums nor below the aggregate minimums which result when parking requirements for the individual uses within the parking plan are calculated separately and the resulting maximums and minimums are totaled. (07/06)
 - (b) Modify or waive off-street parking standards. The applicant may request a modification 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 carpool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (07/06)

- B. Design Standards. All development in the EG zone shall comply with applicable standards in Section 2.315 of the Keizer Development Code, in addition to the standards below: (07/06)

1. Exterior Display, Storage, and Work Activities.
 - a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)
 - b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)
2. All development must comply with the applicable standards identified in the Keizer Development Code including, but not limited to, the following: (2/03)

Section 2.125	Activity Overlay Zone
Section 2.3	General Development Standards
Section 2.301	General Provisions
Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Storm Drainage
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions
Section 2.312	Yard and Lots Standards
Section 2.315	Development Standards
Section 2.4	Special Uses

2.125 ACTIVITY CENTER OVERLAY ZONE (ACO)

2.125.01 Purpose

The ACO (ACTIVITY CENTER OVERLAY) zone is adopted to implement the policies of the Comprehensive Plan for Activity Centers which include provisions for a mixture of intensive land uses emphasizing employment opportunities, transit and pedestrian facilities, and circulation. (5/98)

2.125.02 Application

The provisions of this Section apply to Activity Centers as identified in the Comprehensive Plan. (5/98)

2.125.03 Uses

Uses allowed in an Activity Center shall be as specified in the underlying district. (5/98)

2.125.04 General Development Standards

All development within an Activity Center is subject to City review as provided in Chapter 3.101, and shall also include the following factors: (02/03)

- A. Activity Center Design Plan. All new developments and expansions of existing developments shall comply with the adopted activity center design plan for each Activity Center. (5/98)
- B. Site Master Plan. Developments in an activity center shall be required to submit a master plan for approval as part of the application process. The elements of such master plan shall include, but are not limited to, the following: (5/98)
 - 1. A master plan map showing the location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (5/98)
 - 2. For any project for which the projected average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (5/98)

2.125.05 Keizer Station Plan Development Standards – IBP Zone

All development within the Keizer Station Activity Center, which is zoned Industrial Business Park (IBP) shall be subject to the following additional requirements. (02/03)

- A. Specific Use Restrictions. A limitation of the total floor area of specified IBP uses applies to all of Area A – Sports Center and Area D – Commerce Center of the Keizer Station Plan. The uses identified in Sections 2.113.02 (J) and

DRAFT to City Council

5-10

(N) shall be subject to ~~the following total floor area limitations. This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan.~~ (02/03)

1. ~~15,000 square feet in Area A – Sports Center; and~~ (02/03)

2. ~~70,000 square feet in Area D – Commerce Center.~~ (02/03)

B. Flexible Space Uses.

The following uses, when restricted, developed, and conducted as required in Section 2.113.02 N. 2. are also permitted in the IBP district: (02/03)

1. Within Area A “Sports” of the Keizer Station Plan boundary: (02/03)

a. Recreational Vehicle Parks and Campsites (7033), provided, however, that such uses are not subject to the limitation in Section 2.113.02 N. 2. (c). (02/03)

2. Within Area D of the Keizer Station Plan boundary: (02/03)

a. General Merchandise Stores (5399). (02/03)

b. Gasoline Service Stations (554) in accordance with Section 2.419. (02/03)

2.125.06 Keizer Station Plan Prohibited Uses – IBP and EG Zones

The following uses are prohibited on properties within the Keizer Station Plan boundary, which are zoned IBP or EG: (02/03)

A. Manufacturing of grain mill products (204) (02/03)

B. Manufacturing of biological products, except diagnostic substances (2836) (02/03)

C. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284) (02/03)

D. Miscellaneous plastic products (308) (02/03)

E. Motor freight transportation and warehousing (42) (02/03)

2.125.07 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives:

DRAFT to City Council
5-10

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (5/98)
1. Orienting building and facilities towards transit services. (5/98)
 2. Minimizing transit/auto conflicts. (5/98)
 3. Encouraging transit supportive uses. (5/98)
 4. Minimizing walking distance to transit stops. (5/98)
 5. Avoiding excess parking areas. (5/98)
 6. Encouraging shared parking and structures or understructure parking. (5/98)
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (5/98)
1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (5/98)
 2. Separating auto and truck circulation and activities from pedestrian areas. (5/98)
 3. Pedestrian-oriented design. (5/98)
 4. Pedestrian amenities. (5/98)
 5. Bicycle parking. (5/98)
 6. Outdoor lighting. (5/98)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (5/98)
1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (5/98)
 2. Siting and orientation of land uses. (5/98)
 3. Frontage roads or shared access. (5/98)

- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require: (5/98)
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (5/98)
 2. Buffering of adjacent residential uses. (5/98)

3.113 KEIZER STATION MASTER PLAN REVIEW

3.113.01 Area of Application

The Keizer Station Plan requires the development of Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Each Master Plan shall be reviewed through a Type III review process. (4/10)

3.113.02 Review Procedures

The Keizer Station Plan identifies different areas for planned development. Each area has provisions to be approved through the Keizer Station Master Plan Review (Type III) application procedure. (4/10)

Type III actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission which then makes a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.205 and 3.206 sets forth the hearings process. (4/10)

Properties in Area C may develop as an individual parcel with a Conditional Use Permit (Type I-B) approved by the Zoning Administrator in accordance with the applicable criteria and subject to conditions of approval in Section 3.113.04. Areas A, B, D, and two or more parcels in Area C, may develop with Type III Keizer Station Master Plan Review approval by the City Council. (4/10)

3.113.03 Submittal Requirements

1. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way and pedestrian connections), utilities, open space and parking areas, depicting the number and types of spaces. (2/03)
2. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation. (2/03)

3. Building elevations, typical cross-sections and typical wall sections of all building areas. (2/03)
4. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials. (2/03)
5. Elevations, typical cross sections of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts. (2/03)
6. Proposed layouts for exterior signage and graphics. (2/03)
7. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns. (2/03)
8. An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any. (2/03)
9. A description of servicing requirements, trash compactors and related areas, loading docks, etc. (2/03)
10. Calculation of gross building, parking and open space. (2/03)
11. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (2/03)
12. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (2/03)

3.113.04 Review Criteria

Approval of a Master Plan for an area of the Keizer Station Plan shall require compliance with the following: (2/03)

- A. The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan. (2/03)
- B. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones: (2/03)
 - 1. Design standards (2/03)
 - 2. Transportation system standards (2/03)
 - 3. Utility standards (2/03)
 - 4. Parking standards (2/03)
 - 5. Landscape standards (2/03)

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied. (2/03)

- C. Development Strategies (4/10)
 - 1. Pedestrian Access, Safety and Comfort (2/03)
 - a. To ensure safe, direct, and convenient pedestrian circulation, development, shall provide a continuous pedestrian and/or multi-use path system. (4/10)
 - 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. (2/03)
 - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (2/03)

- 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. (2/03)
- e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (2/03)
- f. For driveways that service more than 100 parking spaces, shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code. (4/10)
- g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

2. Crime Prevention and Security (2/03)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (2/03)

- 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 (2/03)
- 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 (2/03)

- 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 (2/03)
- 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 (2/03)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

3. Reduced Parking (2/03)

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. (2/03)

4. Creating and Protecting Public Spaces (2/03)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (2/03)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (2/03)

5. Human Scaled Building Design (2/03)

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.
(2/03)

6. Request for Reallocation of Retail Square Footage Limit

The Keizer Station Plan (as amended) allows an applicant to request a reallocation of the retail square footage limits in the context of a master plan or master plan amendment application. If an applicant is requesting such reallocation, the applicant shall comply with the following criteria:

- (a) Does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA as that TIA now exists or as it may from time to time be amended (Keizer Station TIA unless additional mitigation beyond that specified in the Keizer Station TIA is required to make such identified traffic impacts consistent with the Level of Service and volume/capacity Standards in the Keizer Station TIA;
- (b) The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area;
- (c) Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the any reallocation.
- (d) Residents and/or property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation.
- (e) Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation.

A reallocation shall not reduce the amount of square footage allowed in an approved Master Plan for a different Area without the amendment of the Master Plan for such different Area. In other words, a reallocation can reduce the square footage for another Area, but not below the restricted use levels approved in the Master Plan for that Area.

3.113.05 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives: (2/03)

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (2/03)

1. Orienting building and facilities towards transit services. (2/03)
 2. Minimizing transit/auto conflicts. (2/03)
 3. Encouraging transit supportive uses. (2/03)
 4. Minimizing walking distance to transit stops. (2/03)
 5. Avoiding excess parking areas. (2/03)
 6. Encouraging shared parking and structures or under-structure parking.
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (2/03)
1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (2/03)
 2. Separating auto and truck circulation and activities from pedestrian areas. (2/03)
 3. Pedestrian-oriented design. (2/03)
 4. Pedestrian amenities. (2/03)
 5. Bicycle parking. (2/03)
 6. Outdoor lighting. (2/03)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (2/03)
1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (2/03)
 2. Siting and orientation of land uses. (2/03)
 3. Frontage roads or shared access. (2/03)
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require: (2/03)

1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (2/03)
 2. Buffering of adjacent residential uses. (2/03)
- E. Other Conditions. The Council may impose other conditions of approval it deems appropriate for the health, safety, and welfare of the citizens of Keizer or to ensure the desired implementation of the approved master plan. (2/03)
- F. Traffic Impact. To minimize congestion and traffic impact within the development and in adjacent areas. (2/03)

DRAFT to City Council

5-10

SITE CHARACTERISTICS

One factor that will influence future development in the Keizer Station Plan area is the site's physical constraints. These constraints will shape where future development and infrastructure will be located include:

- Utility easements, including the BPA and PGE powerline easements;
- ODOT access easements; and
- Rail right-of-way.

Keizer Station Plan Areas and Design Guidelines

The Keizer Station Plan has evaluated each of the four areas from a development, urban design, transportation and public facilities perspective. Based on this evaluation, this Plan recommends a number of specific design guidelines and identifies development issues that will need to be addressed as development occurs in each area. The following section provides the specific area descriptions, design guidelines and issues that will guide future development for each of the following areas:

- Area A – Village Center/Sports Center
- Area B – Retail Service Center
- Area C – Keizer Station Center
- Area D – Commerce Center

To help create the mix of uses envisioned in the Keizer Station Plan, the floor area for specified uses, which generally have retail and commercial characteristics, is limited as provided in the Keizer Development Code (KDC). ~~Each area is limited with a prescribed amount of floor area for specific uses. The types of uses that are restricted are set forth in the applicable zones. The specific use restrictions are also included in the Keizer Development Code for each applicable zone and the Activity Center Overlay (ACO) Zone. The areas are restricted recommended guidelines are to the following amount of square footage for these specified uses as follows~~ Subject to an approved reallocation as provided below and in the KDC, the square footage of Specified Uses is allocated among the following areas as follows:

<u>Areas</u>	<u>Square Footage Limitation for Specified Uses</u>
Area A –	
<i>Village Center</i>	675,000 sq. ft.
<i>Sports Center</i>	15,000 sq. ft.

DRAFT to City Council

5-10

Area B – Retail Service Center	80,000 sq. ft.
Area C – Keizer Station Center	135,000 sq. ft.
Area D – Commerce Center	70,000 sq. ft.
TOTAL	975,000 sq. ft.

As part of a master plan application, an applicant may request a ~~different~~ reallocation of specified uses among Area A Keizer Station, Area A Sports, Area B, Area C, or Area D other than is specified herein. Approval of such a reallocation shall not be considered an amendment to this Keizer Station Plan, the ~~City~~ Keizer Comprehensive Plan or the Keizer Development Code. Any proposed reallocations of square footage of Specified Uses in Areas A-D may occur in either the context of an application for an amendment to a master plan or an application for master plan approval. The Council may approve such a request if it finds such request for a ~~revised~~ reallocation of the square footage for such specified uses meets all of the ~~requirements~~ criteria below:

- (a) Does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA as that TIA now exists or as it may from time to time be amended (Keizer Station TIA); ~~provided, however, the Council may approve such a request if it finds there are (a) significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA, and the Council (b) requires~~ unless additional mitigation beyond that specified in the Keizer Station TIA is required to make such identified traffic impacts consistent with the Level of Service and volume/capacity Standards in the Keizer Station TIA;
- (b) ~~Is consistent with the overall allowed amount of square footage for specified uses for the totality of all the KSP areas;~~ The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area;
- (c) ~~No o~~ Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the ~~any~~ reallocation. ~~(i) If no property owner in the Keizer Station areas (Areas A – D) formally objects to a proposed reallocation, then the city may presume (but is not required to presume) that the reallocation does not cause an undue burden. (ii) The city may find a proposed reallocation does not result in an undue burden notwithstanding that a one or more property owners in the Keizer Station areas (Areas A-D) claims otherwise.~~
- (d) Residents and/or property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation.
- (e) Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation.

DRAFT to City Council

5-10

A reallocation shall not reduce the amount of square footage allowed in an approved Master Plan for a different Area without the amendment of the Master Plan for such different Area. In other words, a reallocation can reduce the square footage for another Area, but not below the restricted use levels approved in the Master Plan for that Area.



MINUTES
KEIZER CITY COUNCIL
Monday, April 19, 2010
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Jim Taylor, Council President
Richard Walsh, Councilor
Cathy Clark, Councilor
Mark Caillier, Councilor
David McKane, Councilor

Staff:

Shannon Johnson, City Attorney
Chris Eppley, City Manager
Rob Kissler, Public Works
Nate Brown, Community Development
Marc Adams, Police Chief
Machell DePina, Human Resources
Tracy Davis, City Recorder

Absent:

Brandon Smith, Councilor
Youth Councilor Holt

FLAG SALUTE

West Salem Boy Scout Troup 157 led the pledge of allegiance.

PUBLIC TESTIMONY

David Philbrick, Keizer, provided a Parks Board update noting that the meeting focused primarily on the budget. He noted that the Board would be recommending that the portable toilets and fertilization and weed control not be cut. He reviewed other discussion items including working with School District to schedule facility use, the new water line at Keizer Rapids Park, the Community Garden at Whittam Park and the Roving Recreation program.

Jeanne Bond-Esser, Keizer, representing the Parks Foundation provided additional information regarding the Whittam Community Garden and the work party. She commended everyone who participated noting that this is a partnership with Marion Polk Food Share, the Parks Foundation and American Red Cross. She noted that people can rent 8' x 16' plots for one year. Those not rented will be cultivated by volunteers with the proceeds going to the food bank. She urged anyone interested to visit the Foundation website at www.keizerparksfoundation.org and to sign up for Facebook updates. In conclusion she noted that excess foods raised in area gardens can be donated to the food bank at the Lutheran Church on River Road.

Albert Castaneda, Keizer, reported that the Planning Commission held

two public hearings to review Code updates regarding water supply/wells design standards and annexation. Both were passed unanimously and recommended to Council. The Commission also discussed the Master Plan review process and supported Planning Commission review prior to Council review.

Christine Dieker and Teresa Walsh, Keizer, distributed a packet of information regarding the festival, urged everyone to check out www.irisfestival.com for information and answers to questions, reviewed the planned activities and voiced appreciation for help received from the City. They then fielded questions regarding the family bike ride, the tent location and the Farmers Market. Councilor Walsh commended Ms. Walsh and Ms. Dieker for their efforts. Additional discussion took place regarding various planned events.

Dave Bauer, Keizer, offered constructive criticism on how the Council handles public testimony. He suggested Council refrain from voicing disagreement with testimony, embarrassing or talking down to the person testifying, and using that time to educate the public. He recommended that Council simply thank the person for their testimony. He then urged that any changes made after the agenda packet is published be made available to those attending the meeting at the entryway counter.

Joan Pauley, Keizer, requested that Council keep the meetings to less than 3 hours and schedule additional meetings if a meeting is going to go longer.

Marty Matiskainen, Keizer, suggested that rather than reduce Public Safety personnel to balance the budget, the City consider using Variances, Conditional Uses, and Zone Changes which have a fee connected to them rather than text amendments.

PUBLIC HEARING

a. Liquor License Application – Steam Heat Coffee House

City Manager Chris Eppley reported that an application was submitted for a limited On-Premises Sales and Limited Off-Premises Sales Liquor License for Steam Heat Coffee House, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and Keizer Planning Department found the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that following a public hearing Council approve the application.

Mayor Christopher opened the Public Hearing.

Tom Schuh, Salem, owner of the business, noted that the establishment would sell only wine and that he is planning on training his servers in the responsible vendor program. Mayor Christopher then read into the record a letter supporting approval.

With no further testimony Mayor Christopher closed the Public Hearing.

Councilor Taylor moved to recommend approval of the application for a Limited On-Premises Sales and a Limited Off-Premises Sales liquor license for Steam heat Coffee House under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and to forward this recommendation to the Oregon Liquor Control Commission for final approval. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**b. ORDINANCE ~
Amending Keizer
Development
Code Regarding
Section 3.113;
Amending Keizer
Station Plan Area B
– Retail Service
Center and (Pages
22 to 25 of Keizer
Station Plan) and
Keizer Station Plan
Area C – Keizer
Station Center
(Pages 26 to 29) of
Keizer Station Plan;
Amending
Ordinance 98-389
and Ordinance
2003-479 (Exhibit 2,
Pages 22 to 29);
Declaring an
Emergency**

Mayor Christopher opened the Public Hearing.

City Attorney Shannon Johnson explained that he had divided this into three elements: (1) Allowing a reallocation of the retail square footage limitation within the master plan process; (2) Amendment of the Transit Station Location; and (3) Revision of the Master Plan review criteria. He provided lengthy explanation regarding the Ordinances and Council options. Community Development Director Nate Brown provided additional clarification and fielded questions regarding retail space in Area C, the cap in Area A, and reallocation of industrial or mixed use. Lengthy discussion also took place regarding Council discretionary authority.

Carol Mauer, Keizer; Les Fauld, Keizer; Shane Wire, Keizer; Joan Pauley, Keizer; and Frank Pauley, Keizer, spoke in opposition of allowing reallocation of retail space stating that it would open the door for a big box coming into the area which would generate increased traffic and adversely affect the smaller stores in the area.

Marty MatisKainen, Keizer, spoke in favor of allowing the Planning Commission review of Master Plans but voiced concern about the reallocation of retail space. Councilor Caillier explained that the public hearing is not for reallocation but is to develop an approval process for reallocation should the request come forward.

Connie Ettinger, Keizer, encouraged Council to retain their decision-making privileges regarding the use of land and expressed the opinion that large conglomerates would adversely affect area businesses.

Councilor Taylor reiterated that the public hearing is not for reallocation but is to develop an approval process for reallocation should the request come forward.

Kevin Hohnbaum, Keizer, reiterated comments made earlier in the meeting by Dave Bauer regarding public testimony, reviewed the history of the Keizer Station master plan noting that allowed retail space has

progressively grown and asked that everyone be notified of everything that goes on around them.

David Philbrick, Keizer, stated that Area A is more separated from neighborhoods than Area C and retail development seems to be sliding towards Area C which would be undesirable from the standpoint of area residents. He felt that consideration of impact to area neighborhoods was omitted in the reallocation issue and questioned the types of review processes. In response, Mr. Johnson provided explanation regarding review processes.

Cathy Philbrick, Keizer, shared three photographs showing (1) an architectural drawing for one of the early structures proposed for Area A (2) a map of the area showing facilities that are not yet in Keizer Station, and (3) Keizer Station today showing parking "on steroids". She then voiced opposition to expanding the allocation of retail space.

John McCarthy, Keizer, questioned why a proposal would be under consideration for more retail square footage in Area C when there is retail space not being used in Area A. He voiced concern that Area C is close to the parks and recreation field and therefore inappropriate for retail use. Mayor Christopher explained that the developer of Area A is different than the developer for Area B, and that the developer wants to redevelop the empty Circuit City building into an entertainment emporium.

Councilor McKane clarified that the city is not building anything; this is all private property. The city is trying to put a process in place so that whatever is built is not detrimental to the city. Further discussion then took place among Council and Mr. Johnson regarding the process being considered.

Mayor Christopher then read into the record a letter from Jorji Amlin voicing opposition to changing the dynamics of a neighborhood by adding a big box store in Area C.

With no further testimony, Mayor Christopher closed the Public Hearing.

Councilor Taylor moved to adopt an Ordinance Amending Keizer Development Code Regarding Section 3.113 (Keizer Station Master Plan Review); Amending Keizer Station Plan Area B – Retail Service Center (Pages 22 to 25 of Keizer Station Plan) and Keizer Station Plan Area C – Keizer Station Center (Pages 26 to 29 of Keizer Station Plan); Amending Ordinance 98-389 and Ordinance 2003-479 (Exhibit 2, Pages 22 to 29); Declaring an Emergency. Councilor Clark seconded.

Mr. Johnson explained that this ordinance does not include the reallocation element; it changes the transit center from Area C to B and makes all the standards and criteria the same for all areas.

Motion passed as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Smith (1)

Mr. Johnson explained that this ordinance does not include the reallocation element; this ordinance deals only with changing the process for the planning commission.

**ORDINANCE ~
Amending Keizer
Development Code
Sections 3.101,
3.113, and 3.202 to
provide that Keizer
Station Master Plan
Applications Shall
be Reviewed by the
Keizer Planning
Commission;
Amending
Ordinance 98-389;
Declaring an
Emergency (Public
Hearing Continued
from April 5, 2010**

Councilor Taylor moved to adopt an Ordinance Amending Keizer Development Code Sections 3.101 (Summary of Application Types), 3.113 (Keizer Station Master Plan Review), and 3.202 (General Procedures – Types I, II, and III Actions) to provide that Keizer Station Master Plan Applications Shall be Reviewed by the Keizer Planning Commission; Amending Ordinance 98-389; Declaring an Emergency. Councilor Caillier seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Smith (1)

Councilor Walsh moved to direct staff to bring back an ordinance in compliance with the recommendation provided by Nate Brown with the added criteria that approval of any retail reallocation would require a finding that the change is in the best interest of the city. Councilor Taylor seconded.

Councilor McKane commented that what is good for the city may not be good for adjacent property owners and suggested more specific verbiage. Mr. Johnson questioned if council wants more specificity in the criteria or wants something more general. Following discussion Mr. Johnson suggested that he come back with an ordinance with some options to choose from.

Councilor Clark explained that this does not seem to be a battle that needs to happen and she would be voting against it.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier and Taylor (5)
NAYS: Clark (1)
ABSTENTIONS: None (0)
ABSENT: Smith (1)

**ADMINISTRATIVE
ACTION
a. RESOLUTION –**

Mr. Johnson explained that this comes before the Council annually and allows the Iris Festival to move forward with signage. He noted that the difference in what was requested and the resolution is the Chamber

**Authorizing
Temporary Use
and Signs
Subject to
Conditions for
Iris Festival
(2010)**

requested two electronic signs but the resolution allows only one. He added that flexibility regarding the location of the tent should be included as an amendment. The amendment would be: "Determination of the exact location of the entertainment tent is delegated to the City Manager."

Councilor Taylor moved to adopt a Resolution Authorizing Temporary Use and Signs Subject to Conditions for Iris Festival (2010) as amended. Councilor Caillier seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**b. RESOLUTION -
Ratifying the City
Manager's
Agreement for
Purchase of Real
Property Located
at 5279 and 5289
Lacey Court North,
in Keizer, from the
City of Salem**

Public Works Director Rob Kissler provided a brief history of the properties and wells including an explanation of pricing and funding.

Councilor Taylor moved to adopt a Resolution Ratifying the City Manager's Agreement for Purchase of Real Property Located at 5279 and 5289 Lacey Court North, in Keizer, Marion County, Oregon from the City of Salem. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**c. ORDINANCE ~
Related to the
Amendment of
the Electric
Utility License
Fee Ordinance;
Declaring an
Emergency
(Amending
Ordinance No.
94-286)**

Mr. Johnson explained that the city operates under a license fee with these utilities and they expire next month. He added that a thorough review has not been done so the renewal is for four months to allow time to develop a more comprehensive ordinance.

Councilor Taylor moved to adopt an Ordinance Related to the Amendment of the Electric Utility License Fee Ordinance; Declaring an Emergency (Amending Ordinance No. 94-286). Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**ORDINANCE ~
Relating to the
Amendment of the
Gas Utility License
Fee Ordinance; Dec-
laring an Emergency
(Amending Ordin-
ance No. 94-285)**

Councilor Taylor moved to adopt an Ordinance Relating to the Amendment of the Gas Utility License Fee Ordinance; Declaring an Emergency (Amending Ordinance No. 94-285). Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Smith (1)

**CONSENT
CALENDAR**

- A. Resolution** – Adopting the City of Keizer Personnel Policy Manual
- B. Resolution** – Authorizing a Temporary Suspension of the Ordinance Prohibiting Street Vendors
- C. Resolution** – Approving Engineer's Report for Benevan Court Street Lighting District

Councilor Taylor moved for approval of the Consent Calendar. Councilor Caillier seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, McKane, Caillier, Taylor and Clark (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Smith (1)

**COMMITTEE
REPORTS**

**a. Volunteer of the
Quarter Award –
Ray Hansen**

Taken out of order. Councilor Caillier explained that Jacque Moir had nominated Mr. Hansen for Volunteer of the Quarter. He read Ms. Moir's letter reviewing Mr. Hansen's contribution to the city through many years on the Emergency Volunteers Assisting Keizer (EVAK) group. Mayor Christopher presented Mr. Hansen with a Volunteer Recognition Clock.

**b. Proclamation -
NAOSH Week and
Occupational
Safety and Health
Professional Day**

Taken out of order. Mayor Christopher read the Proclamation and invited Dave Parsons to receive it and to speak.

Dave Parsons, Salem, representing the American Society of Safety Engineers displayed a poster done by children of the members of the National American Occupational Safety and Health Society and reviewed activities of the organization.

**c. Proclamation –
League of Women
Voters Making
Democracy Work
Day**

Taken out of order. Mayor Christopher read the Proclamation and invited Luisha Norris and Rose Lewis forward to receive it and to speak.

Rose Lewis and Luisha Norris, Keizer, voiced appreciation for receiving the proclamation and reviewed the history and accomplishments of the League.

Councilor Clark reviewed dates for to K-23, Amphitheater Task Force, Connect 3 Oregon, and Oregon Municipal Planning Consortium meetings. She provided brief summaries of meetings she had attended

including the Friends of the Library and West Keizer Neighborhood Association meetings.

Councilor Taylor invited everyone to upcoming Bikeways and Keizer Points of Interest meetings.

Councilor Walsh reviewed dates for upcoming Economic Development and Government Affairs, Amphitheater Task Force meetings and the Department of Interior Conference on the Environment in Portland.

OTHER BUSINESS

Rob Kissler advised Council of the sewer line replacement project that will be taking place in the Dearborn NE area. He explained that the City of Salem would be the lead agency on the project, explained the effect of the project and the roads that would be impacted.

Community Development Director Nate Brown reported that he is working with DLCD staff to identify changes that need to be made in the zoning code in order to be able to annex the property outside the City jurisdiction and the Urban Growth Boundary.

Human Resources Director Machell DePina thanked department heads, the Personnel Policy Committee and Council for their patience in working on the Personnel Policy Manual.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

April 26, 2010

12:00 pm (Noon) – City Council Work Session

- Solid Waste Rates

May 3, 2010

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

- Housing and Community Development Annual Action Plan (Salem-Keizer)

May 10, 2010

5:45 pm – City Council Work Session

- Storm Drain Marker Project

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:45 p.m.

MAYOR:

APPROVED:

Lore Christopher

Debbie Lockhart, Deputy City
Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

~ Absent ~

Councilor #2 – Brandon Smith

Councilor #5 – Richard Walsh

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:

CITY COUNCIL MEETING: May 17, 2010

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: GUBSER NEIGHBORHOOD ASSOCIATION ANNUAL REPORT

BACKGROUND:

In June, 1993 the City Council adopted Ordinance 93-257 outlining the purpose and guidelines for recognition of neighborhood associations. The Ordinance states in order to maintain recognition, the neighborhood association shall make an annual report to the City Council. The report may be submitted in writing or made orally at a City Council meeting.

The Gubser Neighborhood Association was first recognized in May, 1994. Allen Prell, President of the Gubser Neighborhood Association has submitted the attached written annual report. Mr. Prell will be present at the meeting to summarize the report and answer any questions the Council may have.

RECOMMENDATION:

It is recommended the Council accept the report and by motion extend recognition to the Gubser Neighborhood Association for an additional year.

2009 Annual Association Report for the Gubser Neighborhood Association May 9, 2010

At the February 2009 GNA meeting Allen Prell was voted in as president by attending Gubser Neighborhood Association residents. Pat Ehrlich and Jim Willhite were voted in as VP to share responsibility. Beth Daniels had stepped down after serving several years as GNA President.

The initial changes approved by the attending neighbors was a meeting time change. The original time of meeting was 7:00 PM to 9:00PM. It was proposed by Allen Prell, that the meeting time for the GNA be changed to 7:00PM to 8:30 and have a brief neighborhood social (cake and beverage, about \$20.00) at the end of each meeting to get to know your neighbor better. Allen Prell requested the budget be used for the beverages> the request was denied. The attending did agree to the time change.

Meeting months and meeting location at Gubser Elementary School remain the same.

Allen Prell proposed a Temper Street Underpass (leading to the Keizer Station) clean-up project. Neighbors signed up for months during the year to spend time during the month cleaning up garbage. Allen gave an engraved paper weight to the families who participated. Allen asked for the paperweights (\$10.00) to be covered by the GNA budget. This request was denied.

Allen had solicited Baskin Robbins Ice Cream, Jamba Juice, and Sherman Williams Paint to donate coupons for GNA neighbors who participated in the meeting. The above mentioned businesses agreed to donate some coupons. A mention for the support from these businesses was given at each meeting.

VMS was the mailing service who I sent the seasonal meeting agenda to for neighborhood meetings. Meetings are scheduled for Spring Season: Feb (officers re-election) year schedule of interested speakers. March, April, May. Fall Season: Sept, Oct, Nov. It was requested that I agree to suspend the mailings due to budget constraints. I agreed.

Out speakers during the year represented the Keizer community and surrounding interests.

Sergeant Inman: Keizer Police, talked about the new NIXIE program. He also discussed neighborhood watch programs and changes in crime ratio within Keizer.

Scott Lawrence: Keizer Station was consulted on updates on tenants and other in the news events.

Mayor Laurie Christopher: Mayor of the City of Keizer, Discussed major interests and activities in Keizer.

Jim Taylor: GNA resident, discussed and updated the GNA on the Miracle of Lights and other City Council meeting dates.

Pat Elrich, GNA VP: discussed IAMP (Interchange).

Jason Cox: Keizer Times, informed the GNA of how news is reported.

Other issues discussed during the year were dog owner responsibilities at neighborhood parks.

Art Committee functions and art being displayed within the City of Keizer.

Raccoons and Possums roaming the GNA neighborhood: These rodents were breeding in the Labish Ditch (across from the Gubser Elementary school) it is thought. Only one resident complained of about keeping pet food covered or out of reach of the animals.

Attendance of the meetings has averaged ten to twenty five residents.

Respectively submitted by Allen Prell, President of Gubser neighborhood Association

1554 Manzanita St. NE Keizer OR 97303 (503) 881-0549