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To provide oral comments via electronic means, please contact the City Recorder's Office no later than 2:00 p.m. on the day of the meeting. Most regular City Council meetings are streamed live through [www.KeizerTV.com](http://www.KeizerTV.com) and cable-cast on Comcast Channel 23 within the Keizer City limits.

**AGENDA**  
**KEIZER CITY COUNCIL**  
**REGULAR SESSION**

**Monday, June 16, 2025**

**6:00 PM**

**Robert L. Simon Council Chambers**  
**930 Chemawa Road NE**  
**Keizer, Oregon**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **SPECIAL ORDERS OF BUSINESS**
  - a. **PROCLAMATION** - Juneteenth
5. **COMMITTEE REPORTS**
  - a. **Volunteer Coordinating Committee Recommendation for an Appointment - Traffic Safety, Bikeways, and Pedestrian Committee Youth Liaison**
6. **PUBLIC COMMENTS**

*This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.*
7. **CONSENT CALENDAR**
  - a. **Event Center Fee Waiver Request - Latino Business Alliance - 2025 Expo Negocio**
  - b. **Approval of June 2, 2025 Regular Session Minutes**
8. **PUBLIC HEARINGS**
  - a. **Text Amendment Case 2025-06: Amending Keizer Code Appendix A - Development Code Section 2.110 - Commercial Mixed Use (related to auto-oriented uses)**
  - b. **Text Amendment Case 2025-05: Keizer Code Appendix A (multiple sections) - amending parking regulations to eliminate minimum parking requirements**
  - c. **RESOLUTION** - Authorizing City Manager to Sign Purchase and Sale Agreement with Terra Firma Property Development LLC

d. **RESOLUTION** - Certification of Lighting District Assessments

9. **ADMINISTRATIVE ACTION**

- a. **ORDINANCE** - Relating to Park Regulations; Amending Keizer Code Sections 28-23 and 28-43
- b. **ORDINANCE** - Relating to Fire Code; Amending Keizer Code Chapter 8  
**RESOLUTION** - Repealing Resolution No. R98-1008 and Resolution R2004-1538 Relating to Fire Code
- c. **RESOLUTION** - Council Determination Regarding Adoption of Personnel Policies; Repeal of Resolution R2024-3439

10. **OTHER BUSINESS**

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

11. **STAFF UPDATES**

12. **COUNCIL MEMBER REPORTS**

13. **AGENDA INPUT**

**Monday, July 7, 2025 - 6:00 p.m.**  
**City Council Regular Session**

**Monday, July 14, 2025 - 6:00 p.m.**  
**City Council Work Session - Sidewalk Gap and Repair**

**Monday, July 21, 2025 - 6:00 p.m.**  
**City Council Regular Session**

14. **ADJOURNMENT**

**City of Keizer Mission Statement**

**Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion**

*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*



# Proclamation

*WHEREAS, June 19th, also known as Juneteenth, Emancipation Day, Jubilee Day and Freedom Day, is the oldest African American holiday observance in the United States; and,*

*WHEREAS, Juneteenth, or June 19, 1865, commemorates an important step toward the abolition of slavery and is the date on which Union General Gordon Granger rode into Galveston, Texas, and issued General Order Number 3, requiring the immediate freedom of more than 250,000 enslaved African Americans in Texas; and,*

*WHEREAS, Juneteenth is recognized by the United States Government, the State of Oregon and the City of Keizer and is commemorated on the 19<sup>th</sup> day of June each year as a tribute to those African Americans who fought so long for freedom and worked hard to make the goal of equality a reality; and,*

*WHEREAS, the declaration of Emancipation was a new start, not the end, of the fight for equal rights for all African Americans, all of whom have the right to live in peace and with no fear of violence, harassment, or injustice; and,*

*WHEREAS, Juneteenth inspires ongoing vigilance against slavery in all its forms; and,*

*WHEREAS, the City of Keizer is committed to providing services to all people with dignity and respect.*

*NOW, THEREFORE, the Keizer City Council assembled in Regular Session, does hereby proclaim June 19, 2025, as*

## *JUNETEENTH*

*And urges all the people of Keizer to remember and learn from the lessons of the past and present so we can continue to strive for a just and equitable future.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be herein affixed this 16<sup>th</sup> day of June 2025.*

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*MAYOR CATHY CLARK  
City of Keizer, Oregon*



To: Mayor Clark and City Council Members

Thru: Adam J. Brown, City Manager

From: Melissa Bisset, City Recorder

Subject: Volunteer Coordinating Committee Recommendation for an Appointment - Traffic Safety, Bikeways, and Pedestrian Committee Youth Liaison

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### **Proposed Motion**

I move the City Council accept the recommendation of the Volunteer Coordinating Committee and appoint Lazlo Montoya Mendoza to the Youth Liaison Position of the Traffic Safety, Bikeways, and Pedestrian Committee for school year term of 2025/2026.

### **I. Summary**

The Volunteer Coordinating Committee met on May 8, 2025, to review and interview an applicant for the Youth Liaison opening on the Traffic Safety, Bikeways, and Pedestrian Committee.

### **II. Background**

- A. The Volunteer Coordinating Committee serves in an advisory capacity to the City Council and is responsible for making recommendations for appointments to various Boards, Commissions and Committees. The Committee is also responsible for the recognition of City volunteers.

### **III. Current Situation**

- A. The opening was advertised, one application was received, and the Volunteer Coordinating Committee interviewed the candidate for the opening. The VCC recommends that the Council appoint Lazlo Montoya Mendoza to the Youth Liaison Position of the Traffic Safety, Bikeways, and Pedestrian Committee for the 25/26 school year.

### **IV. Analysis**

- A. **Strategic Impact** - N/A
- B. **Financial** - N/A



C. **Timing** -

A. The Traffic Safety, Bikeways, and Pedestrian Committee currently has an opening for the Youth Liaison position.

D. **Policy/Legal** - The City Council approves all recommendations for appointments to boards, commissions and committees.

V. **Alternatives**

A. Approve the appointment.

B. Not approve the appointment.

VI. **Recommendation**

Staff recommends the City Council accept the recommended appointments from the Volunteer Coordinating Committee.

**Attachments**

None

*“Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury.”*



To: Mayor Clark and City Council Members  
Thru: Adam J. Brown, City Manager  
From: Tim Wood, Assistant City Manager  
Subject: Event Center Fee Waiver Request - Latino Business Alliance - 2025 Expo Negocio

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### **Proposed Motion**

I move the City Council approve a waiver of the Event Center use fee of \$3,468.75 for the Latino Business Alliance 2025 Expo Negocio on November 13, 2025 but charge the \$1,500.00 refundable deposit.

### **I. Summary**

The Latino Business Alliance has requested a use fee waiver for the 2025 Expo Negocio event on November 13, 2025. The letter of request dated May 29, 2025 is attached to this report.

The primary goal of the Latino Business Alliance is to empower all small businesses in financial growth while promoting engagement and visibility within the larger Oregonian economy. The event is free to the public and will offer networking opportunities along with various workshops for participants. The event is scheduled to begin at 6:30 AM and end at 4:30 PM.

The event is scheduled to be held in the Iris Ballroom with approximately 20 exhibitor tables in the lobby. The use fee for the Iris Ballroom for 13 hours (3 hours of set-up time and 10 hours on the day of the event) at \$243.75 per hour, which includes the 25% non-profit discount, is \$3,168.75 with an added \$300 for stage and projectors. The refundable security deposit for the Iris Ballroom is \$1,500. The total amount that is requested to be waived is \$3,468.75.

City staffing costs of approximately \$650 are included in the use fee.

### **II. Background**

A. This event was held at the Keizer Event Center last year with the use fee of \$3,590.60 waived.

B. The City of Keizer is a member of the Latino Business Alliance and participates in the monthly Latino Business Alliance meetings.

### III. Current Situation

- A. As of this date, no other requests for room reservations on this date have been received.

### IV. Analysis

- A. Strategic Impact - Not applicable.
- B. Financial - The financial impact of this request is a reduction in use income of \$3,468.75 for the Event Center.
- C. Timing - The event is scheduled to occur on November 13, 2025.
- D. Policy/Legal - Resolution R2024-3435 - Adopting Use Policies and Rates for the Keizer Event Center: Repealing Resolution R2023-3423, indicates that the City Council may reduce or waive rates, deposits or other costs for certain uses if, in the Council's sole discretion the use is a significant benefit to the Keizer community considering such factors as the City's fixed and non-fixed costs, staff resources, wear and tear on the facility, and other factors deemed appropriate by Council.

### V. Alternatives

- A. Approve a waiver of the Event Center use fee of \$3,468.75.
- B. Approve a waiver of the Event Center use fee of a different amount.
- C. Take no action and the applicable use fee will be charged for access to the facility.

### VI. Recommendation

Staff recommends the City Council approve a waiver of the Event Center use fees of \$3,468.75 for the Latino Business Alliance 2025 Expo Negocio event but charge the \$1,500 refundable deposit.

### Attachments

1. LTR\_CC\_Latino Business Alliance Fee Waiver Request\_06 16 2025

*“Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury.”*



May 29, 2025, Latino Business Alliance

Keizer city Hall

1605 Fairgrounds NE  
Salem, OR 97301

930 Chemawa Rd N  
Keizer, OR 97303

Dear Keizer City Councilors,

I hope this letter finds you well. I am writing to request your support in waiving the rental fee for the use of the Keizer Event Center on November 13, 2025, for the Expo Negocio (Business Expo) put on by the Latino Business Alliance (LBA)

Expo Negocio, now in its 15th year, was established in response to the great recession when many small businesses struggled to survive. LBA recognized the need to provide support and opportunities for the Latino business community and to promote their engagement and visibility within the broader Oregonian economy. The event has historically served as a platform to create awareness of the positive economic impact of Latino businesses in our area.

Expo plays a vital role in addressing language barriers and cultural differences that have hindered engagement between various organizations, non-profits, businesses, government agencies, and our Latino community. We believe that helping bridge these divides will be the focus of this year's event, and we are eager to facilitate meaningful connections.

Attendance at everything at the event will be completely FREE to the public. The event will be self-funded through business sponsorships, which is why we request that the rental fee be waived for this event in exchange for a Platinum-Level Sponsorship (see attached the Sponsorship Packet). Your support would enable us to redirect resources to maximize the event's impact on our community.

By hosting Expo Negocio at the Keizer Civic Center, we anticipate bringing together a diverse group of representatives from local organizations and businesses, fostering discussions on business education and entrepreneurship. I am immensely grateful for the support and encouragement extended by Keizer City councilors and residents in forging strong bonds with the Latino business community through events like Expo Negocio.

For more information:

Angelina Martinez Director of Operations- [Angelina@latinobusinessalliance.com](mailto:Angelina@latinobusinessalliance.com) David  
Rheinholdt, LBA Board President—[rheinholdtinsurance@gmail.com](mailto:rheinholdtinsurance@gmail.com)

With Best Regards,

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Angelina Martinez: Director of Operation  
2025 Expo Negocio



**MINUTES  
KEIZER CITY COUNCIL**

**Monday, June 2, 2025  
Robert L. Simon Council Chambers  
930 Chemawa Road NE  
Keizer, Oregon**

**CALL TO ORDER**

Mayor Clark called the meeting to order at 6:00 p.m.

**ROLL CALL**

Roll call was taken as follows:

**Present:**

Cathy Clark, Mayor  
Shaney Starr, Council President  
Soraida Cross, Council Vice  
President  
Kyle Juran, Councilor  
Daniel Kohler, Councilor  
Marlene Parsons, Councilor  
Lore Christopher, Councilor  
Ma'Layah Latty-Farrar, Youth  
Councilor

**Staff:**

Adam Brown, City Manager  
Tim Wood, Assistant City Manager  
Shane Witham, Planning Director  
Joseph Lindsay, City Attorney  
Bill Lawyer, Public Works Director  
Andrew Copeland, Police Chief  
Garrett Klever, Human Resources  
Director  
Melissa Bisset, City Recorder

**Absent:**

**FLAG SALUTE**

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS OF BUSINESS**

**a. PROCLAMATION - Lesbian, Gay, Bisexual, Transgender and Queer Pride Month**

Marci Wilken shared about the history of Pride, and the fight for trans rights, equity, equality and justice. Mayor Clark read the Proclamation recognizing May as Lesbian, Gay, Bisexual, Transgender and Queer Pride Month.

**b. RECOGNITION - 2024-2025 Youth Councilor Ma'Layah Latty-Farrar**

Mayor Clark and the City Councilors each made comments about the excellent service of Ma'Layah Latty-Farrar in her role as Youth Councilor. Mayor Clark recognized Ma'Layah Latty-Farrar for her service as the 2024-2025 Youth Councilor by presenting her with a Certificate of

Recognition.

## COMMITTEE REPORTS

Robb Witters, member of the Planning Commission, summarized the two public hearings from the recent meeting.

Katherine ("Katie") Klein, Youth member of the Keizer Public Arts Commission, shared highlights from the recent meeting.

David Dempster, member of the Traffic Safety, Bikeways and Pedestrian Committee, summarized the recent meeting.

## PUBLIC COMMENTS

There were no public comments.

## CONSENT CALENDAR

- a. **RESOLUTION** - Authorizing the City Manager to Award and Enter Into an Agreement with Greensuns Inc. for Keizer Rapids Park Import Fill Grading Project
- b. **RESOLUTION** - Authorizing City Manager to Sign Grant Agreement (2025 Memorial)
- c. **Approval of the May 19, 2025 Regular Session Minutes**

Council President Starr read the Consent Calendar. Councilor Kohler pulled item 7.b.

Councilor President Starr moved that the Keizer City Council approve the Consent Calendar items a, and c. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Starr, Cross, Kohler, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

There was discussion about the various sources of funding for the Gold Star Memorial and potential negotiation on a start date with Oregon Parks and Recreation Department in relation to the grant.

Councilor President Starr moved that the Keizer City Council approve the Consent Calendar item b. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Starr, Cross, Kohler, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

## PUBLIC HEARINGS

- a. **RESOLUTION** - Authorization for a Supplemental Budget - General Fund - Transient Occupancy Tax
- RESOLUTION** - Authorization for a Supplemental Budget - Administrative Services Fund -

## **General Administration**

*Mayor Clark opened the Public Hearing.*

Assistant City Manager Tim Wood summarized the staff report.

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

Council President Starr moved to adopt Resolution R2025- Authorization for Supplemental Budget - General Fund - Transient Occupancy Tax. Councilor Kohler seconded.

Mr. Wood confirmed that separately from this item, there would be another \$8,000 that would be going to the Keizer Heritage for projects.

Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Starr moved to adopt Resolution R2025- Authorization for Supplemental Budget - Administrative Services Fund - General Administration. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

### **b. ORDER - In the Matter of the Amendment of Medical Waste Collection Rates for Franchise Solid Waste Collection Within the City of Keizer, Effective as of August 1, 2025**

*Mayor Clark opened the Public Hearing.*

City Manager Adam Brown summarized the staff report.

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

Council President Starr moved to adopt Order No. 2025- In the Matter of the Amendment of Medical Waste Collection Rates for Franchise Solid Waste Collection Within the City of Keizer, Effective as of August 1, 2025. Councilor Kohler seconded. Motion passed unanimously as follows upon first reading:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

### **c. ORDINANCE - Relating to Water Utility; Amending Keizer Code Chapter 42, Article II**

*Mayor Clark opened the Public Hearing.*

Assistant City Manager Tim Wood summarized the staff report.

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

Council President Starr moved to adopt an Ordinance No. 2025- Relating to Water Utility; Amending Keizer Code Chapter 42, Article II. Councilor Kohler seconded. Motion passed unanimously as follows upon first reading:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**d. RESOLUTION - Amending the Stormwater Utility Fee; Amending Resolution R2014-2504; Repealing R2019-2983**

*Mayor Clark opened the Public Hearing.*

Assistant City Manager Tim Wood summarized the staff report. There was a question about whether there would be projects impacted. Public Works Director Bill Lawyer explained that there would be projects impacted due to the change in the rate increase proposed by staff rather than what the Budget Committee recommended. Mr. Lawyer confirmed that this money would need to be paid back with interest and would reduce the amount for future capital projects until it had been paid back, which would take about two years.

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

Council President Starr moved to adopt Resolution R2025- Amending the Stormwater Utility Fee; Amending Resolution R2014-2504; Repealing R2019-2983. Councilor Kohler seconded.

Mayor Clark commented that she appreciated the thoughtfulness of making sure there were sufficient funds to do projects. The stormwater replacement project in the Northwest Keizer area would be impacted. Mayor Clark commented that if something happened in the meantime that there was a risk of failure prior to the replacement and received Mr. Lawyer's concurrence. Mayor Clark noted that the risk would be born by the rate-payers of Keizer so if the stormwater facilities failed before replacement, then the City would need to operate on an emergency basis.

Motion passed unanimously as follows:

AYES: Cross, Kohler, Starr, Christopher and Juran (5)

NAYS: Clark and Parsons (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

**e. RESOLUTION - Amending the City of Keizer Police Services Fee; Repealing Resolution R2023-3376**

*Mayor Clark opened the Public Hearing.*

Assistant City Manager Tim Wood summarized the staff report. Council Vice President Cross expressed her concern with fee increases. There was a question about why the funds couldn't be taken from contingency or American Rescue Plan Act (ARPA) Funds. Mr. Wood explained that



ARPA funds had to be committed by December 31st. The City would be transferring the residual ARPA funds into the Police Department in January. There was a suggestion to look at adjusting the fees for commercial versus residential rates. There was discussion about property tax revenues. It was suggested that the rates be considered at the second meeting in November.

Council Vice President Cross asked about using the contingency funds. There was a suggestion to bring the matter to the people in an advisory vote.

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

Councilor Christopher moved to postpone the decision on the police services fee until the second Council meeting in November pending the revenue numbers that we will get by that time.  
Councilor Kohler seconded.

Mayor Clark asked the Council to work with Police Chief Copeland on reviewing the police staffing model that would be discussed in a Work Session to help the Council and community understand how public safety funds are being used.

Council President Starr suggested to also have several community listening sessions throughout the year about the police fee. Council President Starr commented that she was solidly in support of working towards what a stable revenue stream looks like for the Police Department and was still in support of a 69 cent police fee increase.

The importance of fiscal responsibility was discussed.

It was noted that the 69 cent increase may not be enough.

Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

f. **RESOLUTION - Amending the City of Keizer Parks Services Fee; Repealing Resolution R2017-2788**

*Mayor Clark opened the Public Hearing.*

Assistant City Manager Tim Wood summarized the staff report. Council Vice President Cross asked why the fee increase wasn't run by the Parks Advisory and Recreation Board. Mr. Brown reviewed the upcoming projects.

Rhonda Rich, Keizer, expressed her support of the parks fee. She commented that there were two parks in her neighborhood that still needed rubberized surfaces. She mentioned the five-year Parks Plan and stated that she trusted that the City staff would have the funds go to good use.

Lisa Cejka, Keizer, commented on Wallace House Park and stated that she was 100 percent in support of the fee increase. She commented on the amount of work that the parks team does with a small amount of funding, the parks were a haven, and the green spaces needed to be protected

and safe. It was noted that if the fee increase had gone through the Parks Board, the word would have gotten out to support the increase.

Colleen Busch, Keizer, commented on the problems at Bob Newton Park. She suggested that having extra funds could help support the issues.

There was a question about what the funds would be spent on. Mr. Lawyer commented that it was for capital outlay, Bob Newton Park, and a facility plan for Keizer Little League Park improvements. Mr. Lawyer noted the future projects.

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

Council President Starr moved to adopt Resolution R2025- Amending the City of Keizer Parks Services Fee; Repealing Resolution R2017-2788. Councilor Parsons seconded.

Council Vice President Cross commented on supporting Police and Parks, highlighting Keizer's strong fundraising ability, commitment to fiscal responsibility, and efforts to avoid raising fees.

Motion passed as follows:

AYES: Clark, Starr, Kohler, Juran and Parsons (5)

NAYS: Cross and Christopher (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

g. **RESOLUTION** - Declaring the City's Election to Receive State Revenues  
**RESOLUTION** - Certifying that the City of Keizer Provides Four or More Municipal Services

*Mayor Clark opened the Public Hearing.*

Assistant City Manager Tim Wood summarized the staff report.

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

Council President Starr moved to adopt Resolution R2025- Declaring the City's Election to Receive State Revenues. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Starr moved to adopt Resolution R2025- Certifying that the City of Keizer Provides Four or More Municipal Services. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

h. **RESOLUTION** - Adopting the Fiscal Year 2025-26 Budget, Making Appropriations, and

## Imposing and Categorizing Taxes

*Mayor Clark opened the Public Hearing.*

Assistant City Manager Tim Wood summarized the staff report. There was discussion about the delay of the Police Services Fee. There was a question about adding a budget note for the Transient Occupancy Tax (TOT) Funds that says half now and then asking the Chamber of Commerce to submit a report on the first six months and then discussion about the release of the second half.

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

Council President Starr moved to add a budget note to the Chamber of Commerce line item to allocate half on or after July 1st and then ask for a report in January 2026 and contingent upon that report the release of the second half of their funds. Councilor Kohler seconded.

There was discussion about the execution of the Keizer Chamber of Commerce Contract and how other contracts are handled with reports and the release of funding.

Council President Starr moved to amend her motion so the motion will now state that we secure a fully executed contract with the Keizer Chamber of Commerce prior to any disbursing of any funds with half of the monies going to the first half of the year and half of it going contingent upon the January 26th review of their benchmarks. Councilor Kohler seconded.

Mayor Clark commented on the necessity for timeliness in having the Chamber of Commerce contract executed.

Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Starr moved to adopt Resolution R2025- Adopting the Fiscal Year 2025-26 Budget, **as amended**, Making Appropriations and Imposing and Categorizing Taxes. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Clark announced there would be a ten-minute recess.

## ADMINISTRATIVE ACTION

### a. **RESOLUTION - Authorizing the City Manager to Award and Enter Into an Agreement with KNL Industries Inc. for 2025 Pavement Resurfacing**

Mayor Clark resumed the meeting at 8:10 p.m.

Public Works Director Bill Lawyer summarized the staff report. Discussion followed regarding the pavement condition index in relation to how streets are selected for resurfacing. It was noted that gas tax revenues were decreasing. There were comments about additional funding and how it would benefit the streets. Mr. Lawyer noted that a lot of the streets were built in the 90s, and he expressed concern about them failing around the same time.

Council President Starr moved to adopt Resolution R2025- Authorizing the City Manager to Award and Enter into an Agreement with KNL Industries Inc. for 2025 Pavement Resurfacing. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. RESOLUTION - Designating "No Parking" Zone on Greenwood Drive Northeast, Keizer, Oregon**

Public Works Director Bill Lawyer summarized the staff report.

Council President Starr moved that the City Council adopt Order O2025- Designating "No Parking" Zone on Greenwood Drive Northeast, Keizer Oregon. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION - Authorizing the City Manager to Award and Enter into an Agreement With K&E Excavating Inc. for Claggett Creek Wetlands Enhancement Project**

Public Works Director Bill Lawyer summarized the staff report. It was noted that the project tied into the Parks Master Plan and there were comments about the benefits to pedestrians.

Council President Starr moved to adopt Resolution R2025- Authorizing the City Manager to Award and Enter into an Agreement with K&E Excavating Inc. for Claggett Creek Wetland Enhancement Project. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**OTHER BUSINESS**

City Manager Brown shared that he was recommending a purchase of property at McLeod Lane Northeast, Keizer.

Council President Starr moved to suspend the Council Rules of Procedure to take up the matter. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Starr moved that the City Council authorize the City Manager to purchase the real property located at 5660 McLeod Lane Northeast, Keizer, Marion County, Oregon (Tax Lot 063W36CB00100) from Mildred E. Ayala for \$450,000. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

City Manager Brown shared that the joint sign with City of Salem and City of Keizer was being redone. He displayed options that had been provided from the City of Salem. The design would go to Keizer Public Arts Commission for their discussion. The Council felt that it would be good to use a similar sign to the one in the Council of Chambers.

Council President Starr moved to suspend the Council Rules of Procedure to take up the matter. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Cross, Kohler, Starr, Juran, Christopher, and Parsons (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Christopher moved to establish a work group for the purpose of getting started on the police fees recommendations and would like to recommend that we have Councilor Starr chair that and have Councilor Kohler and Councilor Juran as the work group and not unlike what we established for the Strategic Plan.

Councilor Christopher further commented on letting the group do their work and determine who else they want on that committee so they can get to a point where there are some ideas, and then bring them to City Council in a Work Session. She felt it was a police fee sustainability issue.

Councilor Christopher amended her motion to add with the intent that we are looking towards moving forward to an advisory vote in the mid-term election November of 2026. Seconded by Council Vice President Cross.

Councilor Christopher wanted it to go to an advisory vote in November of 2026.

Fairness between commercial and residential fees and the level of service model were discussed.

It was noted that the work group would look at equitable fees, level of service, and intent to go to a vote.

Motion passed as follows:

AYES: Cross, Kohler, Starr, Juran, and Christopher (5)

NAYS: Clark and Parsons (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Clark shared that her no vote was because of making an election a requirement. She didn't object to an election being an option.

## STAFF UPDATES

City Manager Brown commented on the McNary graduates and that he had a valedictorian in his home.

Assistant City Manager Wood thanked the City Council and Budget Committee for their hard work on the Budget.

Public Works Director Lawyer reminded everyone of Public Works Day on June 18 at Keizer Rapids Park.

City Attorney Joseph Lindsay reported that at the next City Council Meeting there would be Keizer Station Area B purchase and sale agreement.

## COUNCIL MEMBER REPORTS

Mayor Clark and the Councilors each reviewed the events and meetings that they had attended as well as upcoming events. Council Vice President Cross commented on the stabbing at Union Gospel Mission in Salem and asked that the first responders and people at Union Gospel Mission be kept in everyone prayers.

## AGENDA INPUT

### Monday, June 9, 2025 - 6:00 p.m.

City Council Joint Work Session with Community Diversity Engagement Committee

### Monday, June 16, 2025 - 6:00 p.m.

City Council Regular Session

### Monday, July 7, 2025 - 6:00 p.m.

City Council Regular Session

## ADJOURNMENT

Mayor Clark adjourned the meeting at 9:00 p.m.

MAYOR:

APPROVED:

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Cathy Clark

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Dawn Wilson, Deputy City Recorder

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

*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*



To: City Council

From: Shane Witham, Planning Director

Subject: Text Amendment: Commercial Mixed Use (CM) Zone (allowing auto-oriented uses in Keizer Station Area B)

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### **Proposed Motion**

I move the City Council direct staff to prepare an ordinance for adoption of proposed text amendments along with any other identified changes necessary for consistency with the Keizer Development Code.

#### **I. Summary**

The proposed text amendment will modify the Code to allow for *gasoline service stations and drive-thru windows or car service associated with eating and drinking places* as a Conditional Use within the Commercial Mixed Use (CM) zone in Keizer Station Area B. Currently, those and other auto-oriented uses are prohibited within Keizer Station Area B. However, a request has been made that the City consider changing this prohibition to allow those 2 specific uses as a Conditional Use in the zone.

A request was received from the prospective development team for Keizer Station Area B representing Clutch Industries and Raising Cane's requesting the modification to allow for a future master plan amendment to be applied for. The Planning Commission held a public hearing to consider the proposed changes on May 21st, and recommended approval of the proposed changes to City Council for consideration.

#### **II. Background**

- A. The Commercial Mixed Use zone (Section 2.110) has historically included "use restrictions" limiting specific uses within a specified and described area located near Chemawa and River Road. This area near the intersection of Chemawa and River Road was established in the 90's to attempt to alleviate concerns around traffic and congestion, as well as aesthetics. When the Keizer Station Plan was developed in the early 2000's, the same list of restricted uses was included for the properties located within Area B of the Keizer Station. When the River Cherry Overlay District was established and adopted in 2019, properties along River Road were rezoned to mixed use and "auto-oriented" uses are restricted within the identified "Centers" to only be allowed through a Conditional Use Permit.
- B. The City Council has approved Letters of Intent for the sale of 2 separate City-

Owned properties that are currently located in Area B of Keizer Station. One of those letters of intent was with Raising Cane's (chicken finger restaurant) and one was with Terra Firma LLC.

- C. Staff received a formal request on behalf of Clutch Industries, Inc. and cooperatively with the Raising Cane's development team to initiate the text amendment process to consider revising the code to allow for the establishment of drive-thru facilities, as well as a gasoline service station as a Conditional Use within the Commercial Mixed Use Zone which would allow for those uses to be developed in Keizer Station Area B. The information they submitted is attached for your reference.
- D. It was anticipated that a text amendment would be pursued for the drive-through restaurant use when the Letter of Intent was authorized to be signed with Raising Cane's. The City Council was informed by the City Manager at that time that staff would be working with the prospective developer to identify the appropriate process so it could be considered. It should be noted that it was not anticipated that a Gasoline Service Station use would be proposed at the time of authorization of the Letters of Intent. The letters of intent do not obligate the City to take any action, but rather give the prospective developer time to perform "due diligence" on figuring out if their proposed plans can be accomplished. Properties developed within the Keizer Station Area are required to be consistent with the adopted Masterplan for the subject area. This means additional future land use actions would have to be taken prior to establishing these uses since they are not currently part of the adopted masterplan for Area B.
- E. The Planning Commission held a public hearing on May 21st, and received testimony on the proposed changes. Ultimately, the Planning Commission made a unanimous recommendation to forward the proposed changes to City Council for consideration. At the hearing the following testimony was received:
  - 1. Testimony in support of the proposed changes was provided by: Brittany Randall (representing the prospective developer); Robert Vann (Development Manager for Raising Canes); and Alvin (AJ) Nash (real estate broker).
  - 2. Testimony in opposition to the proposed changes was provided by Tasha Rash and Kim Peggles. Both specifically expressed concerns over allowing the gas station use and cited concerns over traffic, noise, lights, and impacts to the neighborhood. Ms. Peggles specified that she supported Raising Canes but opposed the gas station and highlighted traffic and safety risks as concerns.
  - 3. Written comments were also received prior to the Planning Commission meeting, which are attached for your reference. Three letters were received in support of the proposed changes and one letter was received opposing the changes.

### **III. Current Situation**

- A. Currently, the development group wishes to develop uses that are not allowed to be established in Keizer Station Area B. Therefore, they have requested the City consider modifying the development code so they would be able to apply for a new Master Plan or Master Plan Amendment with uses they desire. The property this amendment affects is limited to Area B of the Keizer Station, which has remained



undeveloped for many years. The City of Keizer owns a large portion of this area currently.

- B. Planning Commission is recommending approval of the proposed amendments. The proposed change would allow for drive-thru eating and drinking establishments, as well as gasoline service stations in Keizer Station Area B as a Conditional Use. This would not guarantee the development of these use types, nor does it approve a specific development proposal. A future application for a new Master Plan Approval/Amendment would be required and would be subject to that quasi-judicial land use approval process.
- C. The matter has been scheduled and appropriate notice was published for the public hearing to be held before City Council to consider the Planning Commission's recommendation.
- D. Written comments have been received by the City Recorder regarding this issue: Kimberle O'Kelley and Majorie Okawa-Sikes submitted written comments opposing the proposed changes which are attached for your consideration.

#### IV. **Analysis**

- A. **Strategic Impact** - No direct strategic impact. However, this change is being requested in order for properties within Area B of Keizer Station to be developed.
- B. **Financial** - None
- C. **Timing** - The public hearing has been noticed and identified as the time for City Council to consider this change.
- D. **Policy/Legal** - The code identifies the process for a text amendment, which has been followed. Appropriate notices have been sent, and the time has been set for the public hearing to consider the proposed changes.

#### V. **Alternatives**

- A. Direct staff to prepare an ordinance for adoption of the proposed changes.
- B. Direct staff to prepare an ordinance for adoption of the proposed changes with any modifications or adjustments identified by Council. This could include only allowing certain uses as a Conditional Use, or include additional provisions to address specific concerns that Council may have.
- C. Take no action. This would result in no change to the existing provisions of the Keizer Code.

#### VI. **Recommendation**

Staff recommends that City Council consider the proposed changes and direct staff to prepare an ordinance for adoption of the Council's desired identified proposed changes.

#### **Attachments**

1. CC - 2.110.COMMERCIAL\_MIXED\_USE
2. REQUEST FROM DEVELOPER -BRAND Text Amendment\_Formal Request
3. Letter in support - Anderson
4. Letter in support - Maddie
5. Letter in support - Emily H
6. Letter opposed-received 5-21-25 - Proposed Amendment, cases 2025-05 and 2025-06
7. Kimberle O'Kelley - Testimony - Keizer Development Code
8. Majorie Okawa-Sykes - Testimony - Keizer Development Code

*“Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury.”*

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## **2.110. COMMERCIAL MIXED USE (CM)**

### **Sec. 2.110.04. Conditional uses.**

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

- A. Craft industries, subject to the provisions in section 2.421. (5/98)
- B. Transit station (section 2.429). (5/09)
- C. Gasoline service stations (554)

In addition to located in the Chemawa/River Rd restriction area described in section 2.110.05.C, subject to the following requirements, the use must satisfy the conditional use criteria found in Section 3.103.03. (9/17)

- ~~1. May only sell fuel-related products, such as gasoline and oil, and non-fuel-related products typically for sale in the primary food store use. The building containing the non-fuel-related sales shall not exceed a total of 900 square feet, and the sales floor area portion shall not exceed 450 square feet. No service or repair functions are allowed. (9/17)~~
- ~~2. Subject to the provisions in section 2.419. (9/17)~~
- ~~3. Must be accessory to a food store (54) use. The primary food store use must be a minimum of 15,000 square feet in area. (9/17)~~
- ~~4. Must be set back more than 100 feet from adjacent public streets and must provide pedestrian-oriented amenities on the entire site. (9/17)~~
- 51. Must provide screening and buffering to adjacent residential uses and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right-of-way or adjacent properties. (9/17)
- 62. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts. (9/17)
- 73. Comply with all applicable requirements and standards, including, but not limited to, KDC 2.301.04 (Traffic Impact Analysis) and all mitigations required by such section. Traffic analysis must address the operational needs of the Keizer Fire District. (9/17)

D. Drive-through windows or car service associated with eating and drinking places (58).

In addition to the following requirements, the use must satisfy the conditional use criteria found in Section 3.103.03.

- 1. Must provide screening and buffering to adjacent residential uses and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right-of-way or adjacent properties. (9/17)
- 2. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts. (9/17)
- 3. Comply with all applicable requirements and standards, including, but not limited to, KDC 2.301.04 (Traffic Impact Analysis) and all mitigations required by such section. Traffic analysis must address the operational needs of the Keizer Fire District. (9/17)

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## Sec. 2.110.05. Use restrictions.

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

- A. Farm use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. The following uses are prohibited from any ~~property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any~~ property contained within the Area B as described in the Keizer Station Plan. ~~This prohibition does not apply to any business facility legally established as of the date of the adoption of this ordinance which, as of that date, has drive-through window facilities.~~ (12/03)
  - ~~1. Gasoline service stations (554), except as provided in section 2.110.04.C. (9/17)~~
  - ~~2. Drive-through windows or car service associated with eating and drinking places (58). (5/98)~~
  - 3. Vehicle sales and secondary repair. (5/98)
  - 4. Public utility structures and buildings. (5/98)
  - 5. Recreational vehicle parks (7033). (5/98)
  - 6. Automobile parking not associated with an allowed use (752). (5/98)
  - 7. Automotive dealers (55). (5/98)
  - 8. Automotive rental and leasing, without drivers (751). (5/98)
  - 9. Automotive repair shops (753). (5/98)
  - 10. Automotive services, except repair (754). (5/98)
  - 11. Utilities; secondary truck parking and material storage yard. (5/98)
- D. A limitation of the total floor area of specified uses applies to all of Area B, Retail Service Center, of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in sections 2.110.02(I) and 2.110.03(E)(12)—(14). This maximum floor area is set forth in the Keizer Station Plan; however, this maximum floor area may change as part of an approved master plan. (9/18)

# BRAND

## Land Use

April 7, 2025

Shane Witham  
Community Development Director  
City of Keizer  
Community Development Department  
930 Chemawa Road NE  
Keizer, OR 97303

Re: Request for Text Amendment to Keizer Development Code – Area B of the Keizer Station Master Plan

Dear Mr. Witham,

On behalf of my client, Clutch Industries, Inc., and cooperatively with the Raising Cane's Chicken development team, I am writing to formally request the initiation of a text amendment to the Keizer Development Code concerning the permitted uses within Area B of the Keizer Station Master Plan, specifically under the Commercial Mixed Use (CM) zoning designation.

Area B of the Keizer Station Master Plan is currently zoned Commercial Mixed Use (CM), encompassing approximately 11.4 acres designated as the Retail Service Center. The Keizer Station Plan and the Keizer Development Code cooperatively outline specific development standards and permitted uses for this area to promote a cohesive and vibrant community hub.

### Text Amendment Proposal:

We propose amending the Keizer Development Code to change the status of drive-through establishments and fueling stations, within Area B of the Keizer Station Master Plan, from prohibited uses to uses permitted conditionally through a Conditional Use Permit (CUP) process. This amendment would allow these uses to be considered on a

case-by-case basis, ensuring that each proposal aligns with both the city's community development goals and standards, and the State of Oregon's requirement to promote walkable communities. I have attached a document where I outline what we believe to be the five most important policies governed by the State of Oregon toward walkable communities. In the document I have discussed how the proposed text amendment can be made and the walkable communities goals can still be honored and met.

Text Amendment Justification:

1. Facilitating Development: Allowing drive-throughs and fueling stations under a CUP would attract businesses to the currently vacant parcels in Area B, promoting economic growth and completing the envisioned development of the Keizer Station area.
2. Conditional Oversight: The CUP process provides a framework for the city to assess each application individually, imposing necessary conditions to mitigate potential impacts and ensure compatibility with surrounding uses.
3. Enhancing Community Spaces: Through the CUP process, developments can incorporate enhanced landscaping, pedestrian plazas, and improved pedestrian pathways with clear signage and protections. These features will contribute to creating a welcoming environment that balances vehicular access with pedestrian-friendly design.
4. Supporting Comprehensive Plan Objectives: This amendment aligns with the Keizer Station Plan's objectives to establish a northern gateway into the Keizer area, provide opportunities for multi-modal transportation, and enhance economic activity within the community.
5. Amended Area B Master Plan Support: The Amended Area B Master Plan emphasizes the development of a Retail Service Center that serves the community's needs while promoting economic growth. By conditionally allowing drive-throughs and fueling stations, the plan can accommodate a broader range of services, enhancing the area's appeal and functionality without compromising its pedestrian-friendly design principles.

We believe that this proposed text amendment will serve the best interests of the City of Keizer by promoting thoughtful development that balances commercial growth

with community-oriented design. We respectfully request that the Community Development Department initiate the necessary procedures to consider this amendment. Thank you for considering our proposal. We look forward to the opportunity to discuss this matter further and to collaborate with the city to achieve a mutually beneficial outcome.

Sincerely,

A handwritten signature in black ink that reads "B. Randall". The signature is written in a cursive, flowing style with a large initial "B" and a stylized "R".

Britany Randall

Attachments:

1. State of Oregon Goals – Applicant Responses
2. Proposed text amendment language
3. Examples of enhanced pedestrian amenities and protections

## State of Oregon Goals – Applicant Responses

Oregon has implemented several policies and initiatives to promote walkable communities, emphasizing sustainable development and reduced reliance on automobiles. Our team recognizes that on paper, our request to amend the development code to permit “vehicle centric” uses seems to contradict the goals for walkable communities. We’ve put together this document to outline what we believe are the key programs and requirements and how the goals of each can still be met if the code is amended in the manner requested.

Key state requirements and programs include:

1. Climate-Friendly and Equitable Communities (CFEC) Program:

Established to assist cities and counties in updating development and zoning codes to enhance walkability. The CFEC provides resources such as the Walkable Design Standards Guidebook, which offers visual examples and model code language to improve urban design for pedestrians.

2. Oregon Administrative Rule 660-012-0330:

This rule mandates that local governments update land use regulations to improve urban design, focusing on creating pedestrian-friendly environments. It emphasizes the development of districts with low-car or no-car streets, prioritizing walking and mobility devices as primary modes of travel.

3. House Bill 2001 (2019):

This legislation requires medium-sized cities to allow duplexes on each lot or parcel zoned for residential use that permits single-family homes. Larger cities must allow a broader range of middle housing types, including triplexes, quadplexes, cottage clusters, and townhouses, in residential areas. This promotes higher-density, walkable neighborhoods by diversifying housing options.

4. Complete Streets Policy:

Oregon adopted a Complete Streets policy in 1971, requiring new or rebuilt roads to accommodate pedestrians and bicyclists. This policy ensures that transportation projects consider all users, fostering environments conducive to walking and cycling.

5. Urban Growth Boundaries (UGBs):



Oregon utilizes UGBs to contain urban development, preventing sprawl and encouraging higher-density, walkable communities within designated areas. This approach supports efficient land use and the preservation of surrounding natural and agricultural lands.

The following are ways that each of these goals and policies can still be met and supported while allowing a larger variety of uses to be permitted within Area B of the Keizer Station Master Plan and the CM zone.

### 1. Climate-Friendly and Equitable Communities (CFEC) Program Goals

Goal: Promote walkable, low-carbon neighborhoods through urban design and zoning reform.

How It Can Be Met with Drive-Throughs:

- a) Design for Multimodal Access: Require all drive-through and fueling station sites to include direct pedestrian and bike access from the public street. Include protected and enhanced pedestrian crossings as conditioned requirements.
- b) Compact Layouts: Encourage shared site access and minimized curb cuts, keeping the street front active for pedestrian use.
- c) Enhanced Site Design: Encourage pedestrian plazas, covered walkways, street trees, and public seating along the building frontage to maintain an engaging and walkable public realm, even when a portion of the use serves vehicles.

### 2. Oregon Administrative Rule 660-012-0330

Goal: Ensure land use and transportation planning supports walking as primary travel modes.

How It Can Be Met with Drive-Throughs:

- a) Conditional Use Standards: Establish design and circulation standards for drive-throughs that avoid impeding pedestrian connectivity — such as internal pedestrian routes with signage, crosswalks, and lighting.

### 3. House Bill 2001 (Middle Housing Legislation)

Goal: Increase housing choice and density to support compact, walkable neighborhoods.

How It Can Be Met with Drive-Throughs:

- a) Mixed-Use Compatibility: Permit drive-throughs within mixed-use developments or near residential areas where they serve daily needs (e.g., coffee, banks), reducing the need for long car trips.

- b) Buffering & Transition Zones: Use landscaped buffers, architectural screening, and shared parking to create smooth transitions between residential and commercial areas.
- c) 24-Hour Activity & Safety: Strategically placed drive-throughs can extend hours of use and increase "eyes on the street", contributing to neighborhood vitality and safety.

#### 4. Complete Streets Policy

Goal: Streets should serve all users, including pedestrians, cyclists, and drivers.

How It Can Be Met with Drive-Throughs:

- a) Pedestrian Priority: Add wide sidewalks, street trees, curb extensions, pedestrian-scale lighting, and traffic-calming features in front of drive-through sites.
- b) Multimodal Access: Require secure bike parking, pedestrian paths, and transit stop enhancements as part of drive-through site plans.

#### 5. Urban Growth Boundaries (UGBs) and Smart Growth

Goal: Prevent sprawl and encourage efficient, urban development patterns.

How It Can Be Met with Drive-Throughs:

- a) Compact Site Development: Promote multi-tenant buildings with a drive-through component.
- b) Infill Focus: Target drive-throughs and fueling stations as infill projects on underutilized or vacant sites in already urbanized areas, rather than on greenfield edges.
- c) Efficient Circulation: Coordinate site access with existing street grids and consolidate curb cuts to minimize traffic disruptions and preserve the urban form.

We believe we have demonstrated how drive-throughs and fueling stations can exist harmoniously within walkable communities when guided by:

1. Smart site planning
2. Strong design standards
3. Clear conditional use criteria
4. A commitment to the public realm and multimodal accessibility

By treating these uses as conditionally allowed rather than prohibited, the city maintains control over outcomes while allowing modern conveniences and services that residents still desire — ultimately supporting a complete, inclusive, and vibrant urban environment.

## **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, and 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:

*(No changes in this section.)*

### **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:

*(No changes in this section.)*

### **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*)
- C. Gasoline service stations (554). (5/98)
- D. Drive-through windows or car service associated with eating and drinking places (58). (5/98)

### **2.110.05 Use Restrictions**

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

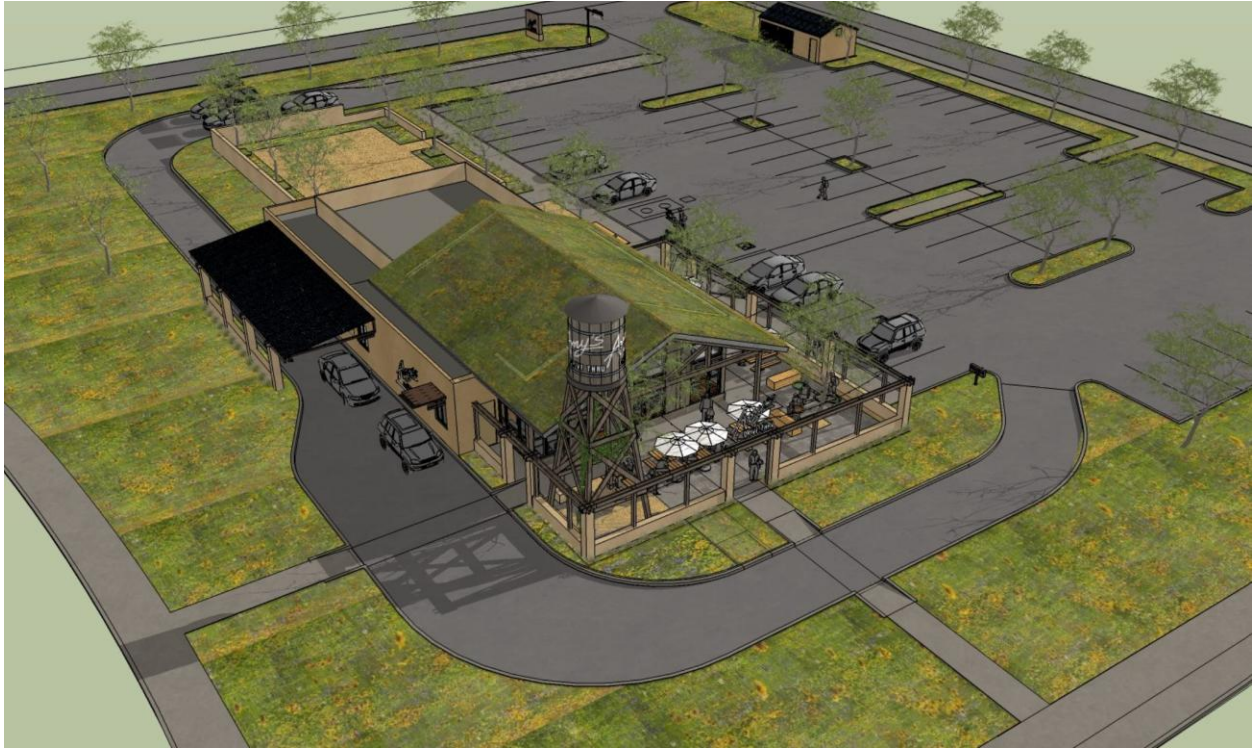
- A. Farm Use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafood, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)

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. Vehicle sales and secondary repair. (5/98)
2. Public utility structures and buildings. (5/98)
3. Recreational vehicle parks (7033). (5/98)
4. Automobile parking not associated with an allowed use (752). (5/98)
5. Automotive Dealers (55). (5/98)
6. Automotive rental and leasing, without drivers (751). (5/98)
7. Automotive repair shops (753). (5/98)
8. Automotive services, except repair (754). (5/98)
9. Utilities - secondary truck parking and material storage yard. (5/98)

D. A limitation of the total floor area of specified uses applies to all of Area B – Retail Service Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E)(12) – (14). This maximum floor area is set forth in the Keizer Station Plan; however, this maximum floor area may change as part of an approved master plan or amended master plan. (06/10)

Examples of enhanced pedestrian areas on site:



## **Dear Members of the Keizer Planning Commission,**

I am writing as a proud resident of Keizer since 1992 to express my enthusiastic support for the proposed text amendment to the Keizer Development Code. This amendment would allow for a greater diversity of uses within Area B of the Keizer Station Master Plan under the Commercial Mixed Use (CM) zoning designation, helping our community realize its goal of completing the build-out of Area B, which has historically remained vacant.

Having lived in Keizer for over three decades, I have witnessed the remarkable transformation of our community, particularly the ongoing development of Keizer Station. This vibrant hub has brought tremendous value to our city, fostering economic growth, creating jobs, and enhancing the quality of life for residents. The vacant parcels in Area B represent an exciting opportunity to further this progress, and I believe the proposed amendment will help realize the full potential of this area as a thriving Retail Service Center.

The amendment's approach, requiring a Conditional Use Permit process, ensures that any new developments will be thoughtfully evaluated to align with Keizer's vision for a pedestrian-friendly, community-oriented environment. I am particularly encouraged by the commitment to incorporating enhanced pedestrian amenities, such as plazas, improved pathways, and landscaping, which will maintain the walkable character of our city while accommodating modern conveniences. These efforts align with the Keizer Station Plan's goal of creating a welcoming northern gateway to our community.

As a long-time resident, I am excited about the economic vitality and new services this amendment will bring to Keizer. The prospect of attracting businesses to these underutilized parcels fills me with optimism for the continued growth and prosperity of our city. I trust that the city's rigorous review process will ensure that any new developments enhance the vibrancy of Keizer Station while preserving the community spirit we cherish.

Thank you for considering this amendment and for your dedication to Keizer's future. I respectfully urge the Planning Commission to support the proposal, as it promises to build on the success of Keizer Station and create a brighter, more dynamic future for our community. I look forward to seeing Area B come to life as a bustling, welcoming part of our city.

Sincerely,

Chris Anderson

Keizer Resident

## **Dear Keizer Planning Commission,**

Hi! My name is Maddie and I'm a lifelong Keizer resident—born and raised here since 2004. I'm writing to share my strong support for the proposed text amendment to the Keizer Development Code that would allow for a wider variety of uses in Area B of the Keizer Station Master Plan under the Commercial Mixed Use (CM) zoning. I think it's a really smart move that reflects where our community is headed.

Growing up here, I've seen Keizer grow and evolve in so many exciting ways. Keizer Station, in particular, has become such a key part of our city's identity—bringing in new businesses, jobs, and energy. But Area B has kind of just sat there for as long as I can remember, and it feels like we've been waiting for something more to happen. This amendment could finally help activate that space and make it something that benefits everyone.

What I really like is that the amendment still keeps Keizer's core values in mind—especially through the Conditional Use Permit process. It's reassuring to know that any new development would be thoughtfully reviewed to make sure it fits with the overall vision of a welcoming, walkable, and community-focused space. I'm especially excited about the plan to add more pedestrian-friendly features like plazas and pathways. It's the kind of modern development that still feels like "us."

As a young adult living and working here, I'm genuinely excited about what this could mean for the future of Keizer. More local services, more opportunities, and more life in an area that's long been underused. I think it's a chance to keep building a city that younger generations want to stay in, not just grow up in.

Thank you for your time and for everything you do for our community. I really hope you'll support this proposal—it's a great step forward for Keizer, and I'm excited to see what comes next.

Sincerely,  
Maddie  
Keizer's Cutest Resident



Dear Members of the Keizer Planning Commission,

I am writing as a frequent visitor to Keizer Station and someone with close family residing in Keizer to express my support for the proposed text amendment to the Keizer Development Code. The amendment would introduce more flexibility in permitted uses within Area B of the Keizer Station Master Plan under the Commercial Mixed Use (CM) zoning. This change would bring life to an area that has long remained underutilized.

I spent many of my childhood summers visiting my aunt on Dennis Road, and Keizer has always held a special place in my heart. Watching the ongoing development of Keizer Station over the years has been genuinely exciting, it's been incredible to see how the area has grown and transformed, with each new addition bringing the thought of what might come next.

The proposed amendment's use of the Conditional Use Permit process offers a thoughtful way to ensure that any new development is consistent with the community's vision.

As someone who frequents Keizer, I see the potential for Area B to become an even more vibrant and dynamic part of the community. Encouraging thoughtful development in this area will not only benefit residents but also strengthen Keizer's regional appeal as a connected and thriving city.

Thank you for your time and for your continued work to shape Keizer's future. I respectfully encourage the Planning Commission to support this amendment and help bring Area B to life.

Respectfully,

Emily Holden

Frequent Visitor & Supporter of Keizer's Growth



**From:** Kristofer Rash <kjrash86@gmail.com>  
**Sent:** Wednesday, May 21, 2025 3:54 PM  
**To:** Witham, Shane  
**Subject:** Proposed Amendment, cases 2025-05 and 2025-06

To the Planning Department:

I oppose the proposed text amendment to the city code permitting auto-oriented uses in area B of Keizer Station. The original rationale for prohibiting these uses— traffic and aesthetics —remains just as valid today. The traffic control capacity of the nearby intersections are not sufficient to support the amount of traffic that would be generated by such establishments in that location. Many Keizer residents pass through this area before or after work, on their way to school, or travelling anywhere along the I-5 corridor. Without considerable investment to improve the traffic control system, we would be trading too large a share of our city's livability for another fast food drive through.

The proposed text amendment removes requirements for gas stations to provide screening and buffering to adjacent residential uses and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right-of-way or adjacent properties. Also removed are the requirements to conduct traffic analysis and mitigations. Even if we were to accommodate the construction of these kinds of establishments, we shouldn't have to forfeit our existing requirements to ensure our community standards are upheld in doing so. If the amendment must pass allowing gas stations and auto-oriented establishments to be conditionally permitted, we ought to still be able to keep as many of our use restrictions as necessary to ensure quality of life of nearby residents (such as restrictions on vehicle service and repair).

This proposed amendment undermines years of planning aimed at creating a more sustainable, accessible, and livable community. We urge the city to uphold the existing zoning standards that reflect these long-term goals.

Thank you for your consideration.

Sincerely,  
Kristofer Rash  
Local Neighborhood Resident

**Bisset, Melissa**

---

**From:** Kimberle O'Kelley [REDACTED]  
**Sent:** Monday, June 2, 2025 9:06 AM  
**To:** Bisset, Melissa  
**Subject:** Keizer code Appendix A-Development Code Section 2.110

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Keizer Code Appendix A-Development Code Section 2.110

To Who It May Concern:

I am TOTALLY opposed to the revisions to this Keizer Development Code to Keizer Station Area B.

The thought of a gas station being put in on that corner is Ludacris, for so many reasons. First a gas station SO close to our homes, will decrease the value of our properties. The lights from the gas station will be ridiculous, the TRAFFIC it will incur, the possibility over time of gas leaking from the tanks into our ground and into our ground water system is so scary!

I live on the corner of McLeod and Madalyn Ct., as it is since I moved in 10 years ago, people turn onto my street and use my driveway to turn back around, I only see this increasing with the amount of traffic a gas station would bring to our neighborhood.

I sincerely request that the proposed text amendment modifying the code to allow for gasoline services be PROHIBITED.

IT WILL DEFINITELY IMPACT TRAFFIC IN OUR AREA, there is already enough traffic, a gas station should not be allowed so close to our residential homes, aesthetics alone this needs to be shot down PLEASE!

Thank you for your time in acknowledging my complaint to the city, considering changing this prohibition to allow those two specific uses as a conditional use in the zone should NEVER happen.

The development group should NOT BE ALLOWED TO MODIFY THE CURRENT DEVELOPMENT CODE!

A concerned citizen of Keizer.

Kimberle O'Kelley   
[REDACTED]  
Keizer, OR 97303

Sent from my iPad Pro

**Bisset, Melissa**

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**From:** majorie Okawa sykes [REDACTED]  
**Sent:** Monday, June 2, 2025 8:31 PM  
**To:** Bisset, Melissa  
**Subject:** KEIZER CODE APPENDIX A DEVELOPMENT CODE SECTION 2.110

**CAUTION: This email originated from **Outside Your Organization**. Exercise caution when opening attachments or on clicking links from unknown senders. Please contact Information Technology for assistance.**

June 2 2025

Keizer City Council Chambers  
Keizer City Hall  
930 Chemawa Road NE  
Keizer, OR. 97303  
Dear City Council,

I strongly oppose the revision to Keizer Station development code, Appendix A, local government policies Station Area B.

A gas station near our homes would bring harmful fumes, decrease our property value ,increase traffic , potential fuel leaks risking water contamination, glaring lights at night and more cars and transients cutting through and turning around our street.

Additionally, I oppose a fast food drive through. As it would introduce unwanted odor and further disrupt are neighborhoods quality of life. We already have sufficient stations and fast food. Please preserve the existing code to protect our community.

Thank you for your time in acknowledging my complaint to the city. Changing the use in this zone should never happen.

Sincerely,  
Majorie Okawa-Sykes

[REDACTED]  
Keizer, OR 97303

Sent from my Galaxy Tab A  
Get [Outlook for Android](#)



To: City Council

From: Shane Witham, Planning Director

Subject: Text Amendment: Elimination of minimum parking requirements

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### **Proposed Motion**

I move the City Council direct staff to prepare an ordinance for adoption of proposed text amendments along with any other identified changes necessary for consistency with the Keizer Development Code.

### **I. Summary**

Text amendments are proposed to multiple sections of the Code related to minimum parking requirements. Due to the Climate-Friendly and Equitable Communities Rules, the City is required to make changes to our land use regulations to reform parking requirements. Therefore, we are required to eliminate minimum parking requirements in order to comply with these rules. The following sections are proposed to be changed and the red-lined drafts are provided. The following sections are being changed:

- Sections 1.200, 2.102, 2.103, 2.104, 2.105, 2.106, 2.107, 2.108, 2.109, 2.110, 2.112, 2.113, 2.114, 2.115, 2.116, 2.118, 2.119, 2.130, 2.203, 2.303, 2.311, 2.314, 2.403, 2.405, 2.407, 2.412, 2.413, 2.423, 2.427, 2.432, 3.113.

### **II. Background**

- A. One of the elements of the Climate Friendly and Equitable Communities (CFEC) rules pertains to parking reform. This issue has been discussed at both Planning Commission and City Council several times and now the City's deadline for completing changes to our parking regulations is upon us. The City is required to adopt changes by the end of June 2025.
- B. The proposed changes will eliminate requirements for minimum parking requirements city-wide. It should be noted that OAR 660-012-0440 previously went into effect on December 31, 2022, which repealed parking mandates for areas within 1/2 mile of transit. This covers the majority of the City except for some areas in West Keizer (west of Chehalis) and North Keizer (north of Wheatland/River split). This standard has been applied directly for more than 2 years, and we have not had any development proposals come in and choose not to provide parking during that time period. So, even though parking is often a concern, I am hopeful the required

changes we are proposing will not greatly increase the issues that currently exist. I have attached a map showing the area where we currently do not require parking minimums for your reference.

- C. Staff received some input from the Department of Land Conservation and Development (DLCD) staff and it appears we will also need to make some future additional updates (that are not part of this proposal) to address landscaping requirements in larger parking lots.
- D. The Planning Commission held a public hearing on May 21, 2025 to consider the proposed changes and unanimously recommended approval of the proposed changes to City Council for consideration.

### **III. Current Situation**

- A. Our deadline for compliance with the Oregon Administrative Rules pertaining to parking is the end of June 2025.
- B. Currently, we cannot require minimum parking requirements for development that is located within a 1/2 mile of frequent transit service due to administrative rules. We apply the rule directly (allowed by the State) and to this point have not modified our local ordinances to reflect the state-driven requirement. It should be noted that no development proposals have been submitted to staff that do not provide on-site parking.
- C. Planning Commission has made a recommendation of approval, and the time has been set for City Council to consider the proposed changes.

### **IV. Analysis**

- A. **Strategic Impact** - none
- B. **Financial** - none
- C. **Timing** - The City has a deadline to amend land use regulations pertaining to parking reform by the end of June 2025.
- D. **Policy/Legal** - The code identifies the process for a text amendment, which has been followed. Appropriate notices have been sent, and the time has been set for the public hearing to consider the proposed changes.

### **V. Alternatives**

- A. Direct staff to prepare an ordinance for adoption of the proposed changes.
- B. Direct staff to prepare an ordinance for adoption of the proposed changes with any modifications or adjustments identified by Council.
- C. Take no action. This would result in no change to the existing provisions of the Keizer Code, and the City would not comply with the Oregon Administrative Rules pertaining to parking mandates.

## **VI. Recommendation**

Staff recommends that City Council consider the proposed changes and direct staff to prepare an ordinance for adoption of the proposed changes.

## **Attachments**

1. CC - 2025-05 Code changes - parking
2. parking reform map

*“Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury.”*

**Sec. 1.200.04. Definitions.**

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

## **2.102. SINGLE-FAMILY RESIDENTIAL (RS)**

### **Sec. 2.102.04. Conditional uses.**

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

- A. Elementary schools (section 2.424). (5/98)
- B. Public parks, playgrounds, community clubs, including swimming, tennis and similar recreation facilities, and other public or semi-public uses. (5/98)
- C. Civic, social and fraternal organizations (864). (5/98)
- D. Day care facility for 17 or more children, consistent with state regulations. (4/16)
- E. Bed and breakfast establishment (section 2.408). (5/98)
- F. Use of a mobile home as a temporary hardship dwelling (section 2.406). (5/98)
- G. Child foster home for six, seven or eight children, providing such home: (6/99)
  - 1. Is properly accredited by the Council on Accreditation of Child and Family Programs; (6/99)
  - 2. Be located on a lot of no less than 16,000 square feet; (6/99)
  - 3. The lot shall be located on an arterial or major collector street; (6/99)
  - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space; (6/99)
  - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property; (6/99)
  - 6. ~~Shall have usable paved off-street parking for no less than six vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle; (6/99)~~
  - 7. At least one-half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least eight feet wide for permanent visual screening along the sides and back of the property (which landscaping along sides and back of the property shall be designed for a minimum height of no less than six feet after five years). Decks, patios, paved areas, and parking areas (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping. (6/99)
  - 8. Is not located within one-half mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home. (6/99)

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

- H. Transit station (section 2.429). (5/09)

### **Sec. 2.102.06. Development standards.**

All development in the RS zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

- A. *Off-street parking.* Parking ~~shall be~~ as specified in section 2.303. (5/98)



- B. *Subdivisions and partitions.* Land divisions shall comply with provisions of section 2.310. (5/98)
- C. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- D. *Design standards.* Unless specifically modified by provisions in this section, buildings located within the RS zone shall comply with the following standards: (5/98)
  - 1. Single-family detached dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in section 2.314. (6/22)
  - 2. Residential structures with five or more attached dwelling units and nonresidential structures shall comply with the provisions in section 2.315, development standards. (6/22)
- E. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- F. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- G. *Landscaping.* A minimum of 30 percent of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in section 2.309. (5/98)
- H. *Lot coverage.* The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70 percent. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. *Density.* When RS zoned property is subdivided the minimum density shall be four units per acre, the maximum density shall be eight units per acre for single-family detached or 25 units per acre for townhouses. The maximum density does not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/22)
- J. Proposals to develop properties in RCOD are subject to development standards in section 2.130. (12/19)

**2.103. LIMITED DENSITY RESIDENTIAL (RL)****Sec. 2.103.04. Conditional uses.**

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

- A. Schools (8211) (section 2.424). (5/98)
- B. Public parks, playgrounds, community clubs, including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. Civic, social and fraternal organizations (864). (5/98)
- D. Day care facility for 17 or more children, consistent with state regulations. (4/16)
- E. Bed and breakfast establishment (section 2.408). (5/98)
- F. Rooming and boarding houses (702). (5/98)
- G. Water supply (494). (5/98)
- H. Child foster home for six, seven or eight children, providing such home: (6/99)
  - 1. Is properly accredited by the Council on Accreditation of Child and Family Programs; (6/99)
  - 2. Be located on a lot of no less than 16,000 square feet; (6/99)
  - 3. The lot shall be located on an arterial or major collector street; (6/99)
  - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space; (6/99)
  - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property; (6/99)
  - 6. ~~Shall have usable paved off-street parking for no less than six vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle; (6/99)~~
  - 7. At least one-half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least eight feet wide for permanent visual screening along the sides and back of the property (which landscaping along sides and back of the property shall be designed for a minimum height of no less than six feet after five years). Decks, patios, paved areas, and parking areas (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping. (6/99)
  - 8. Is not located within one-half mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home. (6/99)

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

**Sec. 2.103.06. Development standards.**

All development in the RL zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

- A. *Off-street parking.* Parking ~~shall be~~ as specified in section 2.303. (5/98)

- B. *Design standards.* Unless specifically modified by provisions in this section, buildings located within the RL zone shall comply with the following standards: (5/98)
  - 1. Single-family detached dwellings, duplexes, triplexes, quadplexes, cottage clusters, and townhouses shall comply with the design standards in section 2.314. (6/22)
  - 2. Residential structures with five or more attached dwelling units, and nonresidential structures, shall comply with the provisions in section 2.315, development standards. (6/22)
- C. *Subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)
- D. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- E. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- F. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- G. *Landscaping.* A minimum of 25 percent of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in section 2.309. (5/98)
- H. *Lot coverage.* The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75 percent. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. *Density.* Subdivisions and multifamily development within the RL zone shall comply with the following density requirements:
  - 1. For property designated medium density in the comprehensive plan, the minimum density shall be six units per acre; the maximum density shall be ten units per acre for single-family detached and 25 units per acre for townhouses. (6/22)
  - 2. For property designated medium-high density in the comprehensive plan, the minimum density shall be eight units per acre; the maximum density shall be 14 units per acre. (5/98)
  - 3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/22)

**2.104. MEDIUM DENSITY RESIDENTIAL (RM)****Sec. 2.104.04. Conditional uses.**

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

- A. Schools (8211) (section 2.424). (5/98)
- B. Public parks, playgrounds, community clubs, including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. Day care facility for 17 or more children, consistent with state regulations. (4/16)
- D. Civic, social and fraternal organizations (864). (5/98)
- E. Rooming and boarding houses (702). (5/98)
- F. Water supply (494). (5/98)
- G. Child foster home for six, seven or eight children, provided such home: (6/99)
  - 1. Is properly accredited by the Council on Accreditation of Child and Family Programs; (6/99)
  - 2. Be located on a lot of no less than 16,000 square feet; (6/99)
  - 3. The lot shall be located on an arterial or major collector street; (6/99)
  - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space; (6/99)
  - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property; (6/99)
  - 6. ~~Shall have usable paved off-street parking for no less than six vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle; (6/99)~~
  - 7. At least one-half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least eight feet wide for permanent visual screening along the sides and back of the property (which landscaping along sides and back of the property shall be designed for a minimum height of no less than six feet after five years). Decks, patios, paved areas, and parking areas (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping; (6/99)
  - 8. Is not located within one-half mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home. (6/99)

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)
- H. Transit station (section 2.429). (5/09)
- I. Residential care facilities for more than 15 residents or uses noted in SIC 805 (nursing and personal care facilities) (section 2.431). (6/11)

**Sec. 2.104.06. Development standards.**

All development in the RM zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

- A. *Off-street parking.* Parking ~~shall be~~ as specified in section 2.303. (5/98)
- B. *Design standards.* Unless specifically modified by provisions in this section, buildings located within the RM zone shall comply with the following standards: (5/98)
  - 1. Single-family detached dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in section 2.314. (6/22)
  - 2. Multifamily units, and nonresidential structures shall comply with the provisions in section 2.315, development standards. (6/22)
- C. *Subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)
- D. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- E. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- F. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- G. *Landscaping.* A minimum of 25 percent of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in section 2.309. (5/98)
- H. *Lot coverage.* The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75 percent. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. *Density.* Subdivisions and multifamily development within the RM zone shall comply with the following density requirements:
  - 1. For property designated medium density in the comprehensive plan, the minimum density shall be six units per acre; the maximum density shall be ten units per acre for single-family detached and multifamily and 25 units per acre for townhouses. (6/22)
  - 2. For property designated medium-high density in the comprehensive plan, the minimum density shall be eight units per acre; the maximum density shall be 22 units per acre for single-family detached and 25 units per acre for townhouses. (6/22)
  - 3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/22)
- J. Proposals to develop properties in RCOD are subject to development standards in section 2.130. (12/19)

## **2.105. HIGH DENSITY RESIDENTIAL (RH)**

### **Sec. 2.105.04. Conditional uses.**

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

- A. Schools (8211) (section 2.424). (5/98)
- B. Public parks, playgrounds, community clubs, including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. Day care facility for 17 or more children, consistent with state regulations. (4/16)
- D. Civic, social and fraternal organizations (864). (5/98)
- E. Rooming and boarding houses (702). (5/98)
- F. Water supply (494). (5/98)
- G. Child foster home for six, seven or eight children, providing such home: (6/99)
  - 1. Is properly accredited by the Council on Accreditation of Child and Family Programs; (6/99)
  - 2. Be located on a lot of no less than 16,000 square feet; the lot shall be located on an arterial or major collector street; (6/99)
  - 3. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space; (6/99)
  - 4. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property; (6/99)
  - 5. ~~Shall have usable paved off-street parking for no less than six vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle; (6/99)~~
  - 6. At least one-half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least eight feet wide for permanent visual screening along the sides and back of the property (which landscaping along sides and back of the property shall be designed for a minimum height of no less than six feet after five years). Decks, patios, paved areas, and parking areas (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping; (6/99)
  - 7. Is not located within one-half mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home. (6/99)

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

### **Sec. 2.105.06. Development standards.**

All development in the RH zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

- A. *Off-street parking.* Parking ~~shall be~~ as specified in section 2.303. (5/98)
- B. *Design standards.* Unless specifically modified by provisions in this section, buildings located within the RH zone shall comply with the following standards: (5/98)

1. Single-family detached dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in section 2.314. (6/22)
2. Residential structures with five or more attached dwelling units, and nonresidential structures, shall comply with the provisions in section 2.315, development standards. (6/22)
- C. *Subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)
- D. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- E. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- F. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- G. *Landscaping.* A minimum of 25 percent of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in section 2.309. (5/98)
- H. *Lot coverage.* The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75 percent. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. *Density.* The minimum development density shall be 16 units per acre; there shall be no maximum density. (5/98)

## **2.106. RESIDENTIAL COMMERCIAL (RC)**

### **Sec. 2.106.05. Development standards.**

All development in the RC zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

- A. *Off-street parking and loading.* ~~A minimum of two parking spaces per dwelling unit; plus, the greater of one parking space per 1,000 square feet of building area or two spaces.~~ Parking may not be located within any required yard area. There are no loading space requirements. (5/98)
- B. *Design standards.* Unless specifically modified by provisions in this section, buildings located within the RC 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 nonresidential structures shall comply with the provisions in section 2.315, development standards. (5/98)
- C. *Partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)
- D. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- E. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- F. *Accessory structures.* Accessory structures as provided for in section 2.313. For the purposes of this section, development within the RC zone shall be considered nonresidential. (5/98)
- G. *Landscaping.* A minimum of 20 percent of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in section 2.309. (5/98)
- H. *Lot coverage.* The maximum coverage allowed for buildings, accessory structures and paved parking shall be 80 percent. (5/98)
- I. *Yards adjacent to residential uses.* A six-foot sight-obscuring fence, wall or hedge shall screen yards adjacent to residentially zoned or used lot. (5/98)
- J. *Hours of operation.* Businesses within the RC zone shall not open for business earlier than 7:00 am and shall close no later than 11:00 p.m. (5/98)
- K. *Outdoor storage.* The outdoor storage of materials, equipment or products shall be prohibited. (5/98)
- L. *Architectural.* All buildings shall be designed with a residential architectural character, including using only wood or masonry siding, having a pitched roof with shake, shingle, or tile roofing material, having no more than 25 percent of the total wall area in windows, and having main and trim colors conforming to the allowable colors for main color in the CM zone. (5/98)



## **2.107. MIXED USE (MU)**

### **Sec. 2.107.05. Use restrictions.**

- A. The following uses are not permitted: (4/08)
  - 1. Farm use. (5/98)
  - 2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
  - 3. Any outdoor display or storage of merchandise or materials unless consistent with section 2.107.05.B.7. (4/08)
  - 4. Camping or overnight in parking lots. (4/08)
  - 5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)
- B. Retail uses as set forth in section 2.107.02(I) are limited to buildings not exceeding 10,000 square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan, subject to meeting the following requirements: (4/08)
  - 1. In addition to the requirements in section 2.309 (site and landscaping design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in section 1.200) to existing or planned residential areas so as to adequately screen the building. (4/08)
  - 2. In addition to the requirements in section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in section 1.200) to existing or planned residential areas. (4/08)
  - 3. In addition to the requirements in section 2.315.06, provide increased architectural features, such as the use of three differing materials, color, textures, on building façades 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 15 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 (CMUs), as well as smooth faced CMU walls. (10/15)
  - 4. Include architectural features that reflect those of the remainder of the building around any outdoor garden/nursery area to include such things as hard walls, windows and awnings. (4/08)
  - 5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (4/08)
  - 6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height; light sources shall not be visible beyond development boundaries. (4/08)
  - 7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (4/08)
  - 8. Drive-through businesses shall have the drive-through oriented away from both existing and planned residential areas. (4/08)
- C. A retail building of the type described in section 2.107.02(I) is allowed to exceed the 10,000 square foot limit, subject to master plan approval and compliance with all requirements of this chapter. (4/08)
- D. Larger format stores.

1. Retail buildings of the type described in section 2.107.02(I) that exceed 10,000 square feet (larger format stores) require the development of non-retail/non-single-family home uses in the master plan area that have a total square footage of at least 25 percent of the gross leasable area of the larger format store. As used herein, "non-retail" shall mean uses other than those listed in section 2.107.02(I). (4/08)
  2. Larger format stores in excess of 80,000 square feet of the type described in section 2.107.02(I) shall meet the requirement set forth in subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the master plan area, the larger format store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of subsection D(1) and this subsection cannot be combined. (4/08)
  3. The development required in subsections D(1) and D(2) above shall take place in the same master plan area. The approved master plan shall be conditioned to require such development to be constructed before or concurrently with the larger format store. (4/08)
- E. A limitation of the total floor area for specified uses applies to all of Area C, Keizer Station Center, of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in section 2.107.02(I). This maximum floor area is set forth in the Keizer station plan; however, this maximum floor area may change as part of an approved master plan. (9/18)
- F. Proposals to develop properties within Area C of the Keizer Station shall comply with master plan or master plan amendment requirements outlined in section 3.113 and also with requirements specified in 2.107.05.G.1 through 6 below. (9/18)
- G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a master plan and compliance with the following: (4/08)
1. *Pedestrian access, safety and comfort.* (4/08)
    - a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (4/08)
    - b. The pathway system shall extend throughout the development site and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (4/08)
    - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (4/08)
    - d. For all developments subject to master plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (4/08)
    - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (4/08)
    - f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)
  2. *Vehicular movement.* (4/08)
    - a. Encourage traffic to enter and exit the development at locations in a safe manner. (4/08)
  3. *Crime prevention and security.* (4/08) Crime prevention shall be considered in the site design through application of all of the following guidelines: (4/08)
    - a. *Territoriality.* All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences,

pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (4/08)

- b. *Natural surveillance.* The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (4/08)
  - c. *Activity support.* The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (4/08)
  - d. *Access control.* By properly siting and designing entrances and exits (i.e., in clear view from the store) and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (4/08)
  - e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)
4. ~~Reduced parking. (4/08) Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility, availability of transit service, and likelihood of carpool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the city. (4/08)~~
5. *Creating and protecting public spaces.* (4/08)
- a. The development provides an appropriate amount of public space as determined by the city council in addition to sidewalks and landscaping. (4/08)
  - b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the city council. (4/08)
6. *Human scaled building design.* (4/08)
- Building façades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The city council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (4/08)
- The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

In addition, the provisions within section 3.113 apply. (9/18)

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

### **Sec. 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 and recommendations:

- 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 detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster developments shall comply with the design standards in section 2.314. (6/22)
  2. Residential structures with five or more attached dwelling units and nonresidential structures shall comply with the provisions in section 2.315, development standards. (6/22)
  3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive, residential use shall occupy no less than 35 percent and no more than 65 percent of the building floor area on any property. (5/98)
- C. *Subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)
- D. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- E. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- F. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- G. *Landscaping.* All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)
- Commercial development: 15 percent.
- Mixed commercial and residential development: 20 percent.
- Residential development: 25 percent.
- H. *Lot coverage.* The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)
- Commercial development: 85 percent.
- Mixed commercial and residential development: 80 percent.
- Residential development (except cottage clusters) (6/22): 75 percent.
- I. *Density.* For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multifamily or any residential development shall be a minimum eight units per acre and a maximum 24 units per acre for single-family detached and 25 units per acre for townhouses, except there shall be no maximum density for duplexes, triplexes, quadplexes, and cottage clusters, and there shall be no minimum residential density requirement for multifamily development within a mixed use building. (6/22)
- J. Proposals to develop properties in RCOD are subject to development standards in section 2.130. (12/19)

## 2.108. COMMERCIAL OFFICE (CO)

### Sec. 2.108.06. Development standards.

All development in the CO zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations. 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. ~~If provided, p~~Parking must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50 percent of the street frontage. (5/98)
  3. ~~No off-street parking is required for uses above the ground floor.~~ (5/98)
  4. ~~The off-street parking requirement for residential uses is one space per unit.~~ (5/98)
  5. ~~If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 p.m. with a total requirement of 100 spaces and a pet store exhibiting peak demand between 1:00 and 5:00 p.m. with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)~~ (5/98)
- B. *Subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)
- C. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- D. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- E. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- F. *Storage, trash, and service functions.* Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. *Landscaping, general.* All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in section 2.309. landscaped area requirements shall be as follows: (5/98)

|                                               | <i>The minimum</i> |
|-----------------------------------------------|--------------------|
| Commercial development:                       | 10%                |
| Mixed commercial and residential development: | 15%                |
| Residential development:                      | 20%                |

- H. *Landscaping, parking lots.* One tree shall be provided for every eight parking spaces provided 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)

|  | <i>Max.</i> | <i>Min.</i> |
|--|-------------|-------------|
|--|-------------|-------------|

|                                               |     |     |
|-----------------------------------------------|-----|-----|
| 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 eight units per acre. Developments limited exclusively to residential uses and containing less than eight dwelling units per acre are allowed if they comply with the following: (5/98)
1. No more than 50 percent 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)

## 2.109. COMMERCIAL RETAIL (CR)

### Sec. 2.109.08. 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 and recommendations. 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 p.m. with a total requirement of 100 spaces and a pet store exhibiting peak demand between 1:00 and 5:00 p.m. with a requirement of 50 spaces, the total requirement for the building would be 100 spaces).~~
- B. *Subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)
- C. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- D. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- E. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- F. *Storage, trash, and service functions.* Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. *Landscaping, general.* All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in section 2.309. The minimum landscaped area is ten percent. (5/98)
- H. *Landscaping, parking lots.* One tree shall be provided for every eight parking spaces provided 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)

|                        | Max | Min |
|------------------------|-----|-----|
| Commercial development | 90% | 50% |

## 2.110. COMMERCIAL MIXED USE (CM)

### Sec. 2.110.07. Development standards.

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

A. *Off-street parking.*

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

B. *Subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/98)

C. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)

D. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)

E. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)

F. *Storage, trash, and service functions.* Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)

G. *Landscaping, general.* All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in section 2.309.

1. The minimum landscaped area requirements shall be as follows:

|                                              |     |
|----------------------------------------------|-----|
| Commercial development                       | 10% |
| Mixed commercial and residential development | 15% |
| Residential development                      | 20% |

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

H. *Landscaping, parking lots.* One tree shall be provided for every eight parking spaces provided 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)



|                                              | <i>Max.</i> | <i>Min.</i> |
|----------------------------------------------|-------------|-------------|
| 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 eight units per acre. Developments limited exclusively to residential uses and containing less than eight dwelling units per acre are allowed if they comply with the following: (5/98)
1. No more than 50 percent 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)

## **2.112 COMMERCIAL GENERAL (CG)**

### **Sec. 2.112.06. Development standards.**

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

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

### **2.113. INDUSTRIAL BUSINESS PARK (IBP)**

#### **Sec. 2.113.06. Development standards.**

- A. *Design standards.* Unless specifically modified by provisions in this section, buildings located within the IBP zone shall comply with the development standards in section 2.315. (5/98)
- B. *Location standards.* (5/98)
  - 1. Each IBP district shall have direct access onto an arterial or collector street. (5/98)
  - 2. Access to a local street abutting the district shall not be permitted from any lot within the IBP district, except that access may be permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less. (5/98)
  - 3. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access. (5/98)
  - 4. The zoning administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the development code, except that for local streets to which access is not allowed under 2 above, the zoning administrator may only require right-of-way dedication, and not improvements. (5/98)
- C. *Height.* Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet. (5/98)
- D. *Lot area and dimensions.* There are no minimum lot area requirements in an IBP district. (5/98)
- E. *Yards adjacent to streets.* Within an IBP district:
  - 1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth. (5/98)
  - 2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings. (5/98)
  - 3. No parking will be allowed in required yards. (5/98)
  - 4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street. (5/98)
- F. *Yards adjacent to other districts.* (5/98)
  - 1. Where an IBP district within the Keizer Station Plan abuts any other district, except another I district, directly or across an alley, there shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
  - 2. Where an IBP district not within the Keizer Station Plan abuts any other district, except another I district, directly or across an alley, there shall be a required yard 15 feet in depth, plus one foot of depth for each foot of building height over ten feet, adjacent to the lot line separating the IBP district from the abutting district. (5/98)

3. Where an IBP district within the Keizer Station Plan abuts another I district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
  4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district. (5/98)
  5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district. (5/98)
  6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street. (5/98)
- G. *Side and rear yards.* Notwithstanding section 2.113.05.F, there are no side or rear yard requirements in the IBP district except:
1. As may be required for a yard adjacent to another district as defined above. (5/98)
  2. Where a side or rear yard is not required but is provided it shall:
    - a. Be at least ten feet in depth;
    - b. Not include buildings, structure, parking or driveways; and
    - c. Be landscaped. (5/98)
  3. Driveways and accessways shall set back at least ten feet from property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (7/06)
- H. *Lot coverage.* Each lot within an IBP district shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)
- I. *Open storage.*
1. Open storage of materials and equipment is prohibited in required yards but is otherwise permitted, provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight-obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
  2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)
- J. *Landscaping.*
1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
  2. Required yards shall include the following plant materials: (5/98)

Number of Plant Units or Square Feet of Living Ground Cover  
Per 1,000 Square Feet of Landscaped yard

| <i>Plant Type</i>       | <i>Boundary of IBP District</i> | <i>Other Locations</i> |
|-------------------------|---------------------------------|------------------------|
| Trees                   | 2                               | 1                      |
| Shrubs                  | 5                               | 3                      |
| Evergreens and conifers | 1                               |                        |

|                     |             |             |
|---------------------|-------------|-------------|
| Living ground cover | 500 sq. ft. | 500 sq. ft. |
|---------------------|-------------|-------------|

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth. (5/98)
  4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right-of-way adjacent to a use. Trees within the planting strip shall be in conformance with city standards for street trees. (5/98)
- K. *Off-street parking and loading:* ~~Within an IBP district, all uses shall meet the requirements of the parking chapter of the Keizer Development Code as well as the additional requirements of this section:~~
1. *Parking.*
    - a. All provided parking shall be set back at least ten feet from all interior property lines. (5/98)
    - b. ~~Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s). (5/98)~~
    - c. ~~A ride-sharing program approved by the director of public works may satisfy five percent of the parking space requirements. (5/98)~~
    - d. ~~Bicycle parking at a ratio of one bicycle space for each 20 vehicle parking spaces may satisfy three percent of the parking space requirements. (5/98)~~
  2. *Loading.*
    - a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height. (5/98)
    - b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings. (5/98)
- L. *Lighting.* Exterior lights fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground and five feet outside the boundary of the IBP district, shall within 50 feet of the base of the light standard be either:
1. Completely shielded from direct view; or (5/98)
  2. Not greater than five footcandles. (5/98)

## **2.114. GENERAL INDUSTRIAL (IG)**

### **Sec. 2.114.07. Development standards.**

All development in the IG zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

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

## **2.115. AGRICULTURAL INDUSTRIAL (AI)**

### **Sec. 2.115.07. Development standards.**

All development in the AI zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

- A. *Off-street parking.* Parking ~~shall be~~ as specified in section 2.303. (5/98)
- B. *Nonresidential subdivisions and partitions.* Land divisions shall be reviewed in accordance with the provisions of section 2.310. (5/01)
- C. *Design standards.* Unless specifically modified by provisions in this section, buildings located within the AI zone shall comply with the development standards in section 2.315. (5/98)
- D. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)
- E. *Signs.* Signs shall conform to the requirements of section 2.308. (5/98)
- F. *Accessory structures.* Accessory structures shall conform to requirements in section 2.313. (5/98)
- G. *Landscaping.* A minimum of ten percent of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in section 2.309. (5/98)
- H. *Lot coverage.* The combined maximum building and parking area coverage shall not exceed 90 percent. (5/98)
- I. *Open storage.* (5/98)
  - 1. Open storage of materials used for the manufacture or assembly of goods, and equipment, is prohibited in required yards but is otherwise permitted, provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of eight feet in height. (5/98)
  - 2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)
  - 3. Landscaping shall screen open storage over six feet in height above the elevation of the storage area. (5/98)
- J. *Easement/waiver.* As a condition of approval of any building permit or land use action in the AI zone, and as a precondition of any occupancy permit, the property owner shall sign and cause to be recorded in the real property records of Marion County a document granting an easement and a waiver of claims with regard to impacts from the Willow Lake Wastewater Treatment Plant. Such easement/waiver shall be approved by the city attorney and be in substantially the same form as that attached to that certain Willow Lake Settlement Agreement executed by Salem, Marion County and Keizer. The recorded easement/waiver shall also be referenced on the plat of any partition, subdivision or PUD. (5/01)

## **2.116. PUBLIC (P)**

### **Sec. 2.116.06. Development standards.**

All development in the P zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

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



## **2.118. URBAN TRANSITION (UT)**

### **Sec. 2.118.03. Conditional uses.**

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

- A. For parcels one-half acre or larger, any permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable comprehensive plan designation, subject to meeting the criteria in section 3.103.03, as well as section 2.118.04. (9/19)
- B. Commercial and industrial activities in conjunction with farm or forest use occurring on the same parcel. (9/19)
- C. Use of a mobile home as a temporary hardship dwelling, subject to section 2.406. (5/98)
- D. Child foster home for six, seven or eight children, providing such home: (6/99)
  - 1. Is properly accredited by the Council on Accreditation of Child and Family Programs; (6/99)
  - 2. Be located on a lot of no less than 16,000 square feet; (6/99)
  - 3. The lot shall be located on an arterial or major collector street; (6/99)
  - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space; (6/99)
  - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property; (6/99)
  - 6. ~~Shall have usable paved off-street parking for no less than six vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle; (6/99)~~
  - 7. At least one-half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least eight feet wide for permanent visual screening along the sides and back of the property (which landscaping along sides and back of the property shall be designed for a minimum height of no less than six feet after five years). Decks, patios, paved areas, and parking areas (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping; (6/99)
  - 8. Is not located within one-half mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home. (6/99)

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

### **Sec. 2.118.08. Other development standards.**

All development in the UT zone shall comply with the applicable provisions of this ordinance. The following includes referenced items as well as additional development requirements and recommendations:

- A. *Off-street parking.* Parking ~~shall be~~ as specified in section 2.303. (5/98)
- B. *Subdivisions and partitions.* Land divisions shall comply with provisions of section 2.310. (5/98)
- C. *Yards and lots.* Yards and lots shall conform to the standards of section 2.312. (5/98)

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

## 2.119. GENERAL EMPLOYMENT (EG)

### Sec. 2.119.12. Development standards.

#### A. Height, setback, coverage, and landscaping requirements. (7/06)

| 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 |
|                             |                                                      |                                | Min               | Max        |                                            |                              |                                  |
| Commercial (2.119.05 & .06) | 100 ft. (1)                                          | 85% (2)                        | 10 ft.            | 20 ft. (3) | None                                       | 40 ft.                       | 15% (5)(6)                       |
| Industrial (2.119.03 & .04) | 100 ft./15 ft. 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.

- Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth, or diameter, they are subject to the height limit.
- 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 ten percent of the roof area may extend ten feet above the height limit.
- 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.*

- 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)
- 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: (7/06)

*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. (7/06)

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.*

- a. "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. (7/06)
- b. In accordance with section 3.113 (Keizer Station Master Plan), 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. (9/18)

- (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.~~ (7/06)
- 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.~~ (7/06)

- 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: (7/06)

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: (1/23)

|               |                                          |
|---------------|------------------------------------------|
| Section 2.125 | Activity Center 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 | Stormwater Management                    |
| 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                             |

## 2.130 RIVER-CHERRY OVERLAY DISTRICT (RCOD)

### Sec. 2.130.05. Dimensional and development standards.

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

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

#### A. Dimensional standards.

##### 1. Minimum lot dimension requirements. (6/22)

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

| Zone | Dimension     | Townhouse     | Single-Family Detached & Duplex | Triplex       | Quadplex & Cottage Cluster | Multifamily                |
|------|---------------|---------------|---------------------------------|---------------|----------------------------|----------------------------|
| MU   | Lot size      | 1,500 sq. ft. | 3,000 sq. ft.                   | 5,000 sq. ft. | 7,000 sq. ft.              | None (use density only)    |
|      | Average width | 20 feet       | 30 feet                         | 30 feet       | 30 feet                    | (defer to underlying zone) |
| RM   | Lot size      | 1,500 sq. ft. | 3,000 sq. ft.                   | 5,000 sq. ft. | 7,000 sq. ft.              | None (use density only)    |
|      | Average width | 20 feet       | 30 feet                         | 30 feet       | 30 feet                    | (defer to underlying zone) |
| RS   | Lot size      | 1,500 sq. ft. | 3,500 sq. ft.                   | 5,000 sq. ft. | 7,000 sq. ft.              | N/A                        |
|      | Average width | 20 feet       | 35 feet                         | 35 feet       | 35 feet                    | N/A                        |

#### B. Development standards.

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

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

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

|    |     |     |
|----|-----|-----|
| RS | 15% | 85% |
|----|-----|-----|

(1) Lot coverage standards do not apply to cottage cluster development. (6/22)

2. *Residential density.* The minimum and maximum density for subdivisions, partitions, multifamily or any residential development shall be as follows: (6/22)

Table 2.130.05-3: Minimum and Maximum Residential Density Standards

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

(1) Accessory residential housing units are included in the minimum density calculations but are not included in the maximum density calculations. (7/21)

(2) There shall be no minimum residential density requirement for multifamily development within a mixed use building.

(3) For property designated medium density in the comprehensive plan, the minimum density shall be eight units per acre; the maximum density shall be 14 units per acre. For property designated medium-high density in the comprehensive plan, the minimum density shall be ten units per acre; the maximum density shall be 24 units per acre.

(4) Maximum density does not apply to duplexes, triplexes, quadplexes, or cottage cluster housing. (6/22)

3. *Off-street automobile parking requirements.* (12/19)

a. *Applicability.* (12/19)

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

b. *Off-street automobile parking requirements*(12/19). Off-street parking, when provided, shall not be provided in the amount ~~not less or~~ more than the ~~minimum and~~ maximum amounts listed below. (12/19)

Table 2.130.05-4: ~~Minimum and~~ Maximum Off-Street Parking Requirements (6/22)

| Land Use Activity   | <del>Spaces Required</del>                  |
|---------------------|---------------------------------------------|
| Recreation facility | <del>Minimum: 1 space per 300 sq. ft.</del> |
|                     | Maximum: 1 space per 133 sq. ft.            |
| Personal services   | <del>Minimum: 1 space per 400 sq. ft.</del> |
|                     | Maximum: 1 space per 233 sq. ft.            |
| Retail              | <del>Minimum: 1 space per 400 sq. ft.</del> |
|                     | Maximum: 1 space per 200 sq. ft.            |

|                                                                                                                                     |                                             |                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------|
| Eating/drinking establishment                                                                                                       | <del>Minimum: 1 space per 200 sq. ft.</del> |                                                                                               |
|                                                                                                                                     | Maximum: 1 space per 83 sq. ft.             |                                                                                               |
| Single-family, duplex, triplex, quadplex, townhouse, cottage cluster                                                                | <del>Minimum: 1 per dwelling unit</del>     |                                                                                               |
|                                                                                                                                     | Maximum: 3 spaces per dwelling              |                                                                                               |
| Single-family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot (7/21) | <del>Minimum: 2 per dwelling unit</del>     |                                                                                               |
|                                                                                                                                     | Maximum: 3 per dwelling unit                |                                                                                               |
| Multifamily types                                                                                                                   | <del>Minimums:</del>                        |                                                                                               |
|                                                                                                                                     |                                             | <del>1 space per 1-bedroom unit or studio; or</del>                                           |
|                                                                                                                                     |                                             | <del>1.25 spaces per 2-bedroom unit; or</del>                                                 |
|                                                                                                                                     |                                             | <del>1.5 spaces per 3 or more bedroom units</del>                                             |
|                                                                                                                                     | <del>Maximums:</del>                        |                                                                                               |
|                                                                                                                                     |                                             | <del>1.5 spaces per 1.5-bedroom unit or studio; or</del>                                      |
|                                                                                                                                     |                                             | <del>2.25 spaces per 2-bedroom unit + 1.5 spaces for every 10 additional units; or</del>      |
|                                                                                                                                     |                                             | <del>2.25 spaces per 3 or more bedroom units + 1.5 spaces for every 10 additional units</del> |

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

- c. ~~Allowances for parking reduction in section 2.303.06.B and parking increase 2.303.06.C shall apply in the RCOD. Within designated centers, additional reductions to required off-street parking may also be provided per section 2.130.09.B.2. (12/19)~~
4. *Flexibility for mixed use development.* (12/19) The following provisions are intended to provide additional flexibility for mixed use development within the RCOD. These provisions shall apply if an applicant wishes to consolidate one or more parcels zoned mixed use (MU) with one or more adjacent and contiguous residentially zoned parcels. The residentially zoned portions of the consolidated site may develop with any use permitted in the MU zone, provided the following requirements are met: (12/19)
- One new housing unit shall be provided for each existing housing unit that is displaced by the redevelopment of the site. (12/19)
  - Buffering and screening shall be provided between any multifamily, mixed use, or nonresidential uses developed on-site and any adjacent residentially zoned parcel, pursuant to KDC section 2.309.05. (12/19)
- C. *Standards for accessory residential housing.* (12/19) Accessory residential housing in the RCOD is subject to the following development standards. Where the standards set forth in this subsection conflict with standards in section 2.403 (Accessory Dwelling Unit), the standards set forth in this subsection shall control. (6/23)



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

#### **Sec. 2.130.09. Dimensional and development standards in centers.**

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

A. Dimensional standards in centers.

1. Minimum and maximum front yard setback requirements. (12/19)
  - a. The following front yard setback standards apply to multifamily, commercial, and mixed use development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within designated centers: (12/19)

Table 2.130.09-1: Front Yard Setback Standards in Centers

| <i>Zone</i> | <i>Front Setbacks</i> | <i>Multifamily</i> | <i>Commercial or Mixed Use</i> |
|-------------|-----------------------|--------------------|--------------------------------|
| MU          | Minimum               | 0 feet/6 feet (1)  | 0 feet/6 feet (1)              |
|             | Maximum               | 10 feet (2)        | 10 feet (2)                    |
| RM          | Minimum               | 5 feet (3)         | N/A                            |

- (1) A zero-foot setback is permitted on properties fronting River Road where right-of-way has already been provided or dedicated, consistent with the adopted 84-foot right-of-way width for arterials identified in the Keizer Transportation System Plan standards. Where such right-of-way is not already provided or dedicated, a minimum six-foot setback is required. (12/19)
- (2) The maximum setback may be extended to 20 feet for up to 50 percent of the building façade if a plaza or other pedestrian open space is provided between the building and the sidewalk. The pedestrian open space must meet the standards of section 2.130.10.E. (12/19)
- (3) Nonresidential development in the RM zone shall be subject to the same minimum and maximum setback standards as multifamily development. (12/19)

- b. Properties not subject to the setback standards listed in subsection a of this section are subject to the setback standards of the underlying base zone. (12/19)

B. Development standards in centers.

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

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

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

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

- a. ~~The site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park-and-ride lots are provided or will be provided as part of the development of the site. Allow up to a 20 percent reduction to the standard number of automobile parking spaces based on the level of amenities provided. This reduced parking allowance shall replace, not supplement, the ten percent allowance provided in KDC section 2.303.06.B. (12/19)~~
- b. ~~A transportation demand management (TDM) plan is in place that will demonstrably reduce parking demand. The parking reduction percentage shall be determined by the zoning administrator based on the TDM plan. (12/19)~~
- c. ~~Residential uses are targeted to populations with demonstrably lower parking needs (e.g., low-income households, seniors, etc.) or the site is developed with affordable housing reserved for those earning incomes at or below 80 percent of the area median income (AMI). Allow up to a ten percent reduction to the number of automobile parking spaces. (12/19)~~
- d. ~~The site has dedicated parking spaces for carpool or vanpool vehicles. Allow up to a five percent reduction to the standard number of automobile parking spaces. (12/19)~~
- e. ~~The site has at least 15 percent of its dedicated parking spaces for motorcycles, scooters, or electric carts. Allow up to a 20 percent reduction in the minimum required dimensions for up to five percent of the parking spaces. (12/19)~~
- f. ~~Pursuant to section 2.107, applications for sites in the MU zone may also request a reduction to or waiver of parking standards based on a parking impact study. (12/19)~~
- g. ~~An EV charging station is provided. Allow up to a five percent reduction. (12/19)~~
- h. ~~Use of shared parking facilities on one or more lots. This provision is not subject to the 25 percent maximum reduction. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking spaces on one or more lots when the peak hours of operation of the uses do not overlap, subject to the following: (12/19)~~
  - i. ~~The shared parking facility(ies) shall contain the same number of vehicle parking spaces required by the use which requires the greatest amount of parking per sections 2.130.05.B.3.b and 2.303; (12/19)~~
  - ii. ~~Satisfactory legal evidence shall be presented to the zoning administrator in the form of deeds, leases or contracts to establish the shared use and be recorded with the Marion County Recorder's Office against all properties involved; (12/19)~~

- iii. Shared parking spaces must be within 300 feet of the uses, structures or parcels sharing such parking. (12/19)
  - iv. If a shared use arrangement is subsequently terminated, or if the uses change, the requirements of the KDC shall apply to each use separately. (12/19)
3. *Parking in mixed use projects in centers.* (12/19)
- a. Mixed use projects shall include either uses that are contained in a single building (vertical mixed use) or in a group of single-purpose buildings that share a single parking facility (horizontal mixed use). (12/19)
  - b. The required minimum vehicle parking shall be determined using the following factors: (12/19)
    - i. Uses above the ground floor. The minimum parking requirement shall be 50 percent of what is required for the use pursuant to section 2.303. (12/19)
    - ii. Ground floor uses with peak hours of operation that do not overlap. The minimum parking requirement is determined by the number of spaces needed for the area of use with the highest peak demand. (12/19)
    - iii. Ground floor uses with overlapping peak hours of operation shall be calculated in the aggregate. (12/19)
  - c. Primary use, i.e., that with the largest parking demand within the development, at 100 percent of the minimum vehicle parking required for that use in sections 2.130.05.B.3.b and 2.303. (12/19)
  - d. Secondary use, i.e., that with the second largest parking demand within the development, at 90 percent of the vehicle parking required for that use in sections 2.130.05.B.3.b and 2.303. (12/19)
  - e. Subsequent use or uses, at 80 percent of the vehicle parking required for that use(s) in sections 2.130.05.B.3.b and 2.303. (12/19)
4. *Standards for auto-oriented uses and development.* (12/19)
- a. Applicability. The standards of this subsection apply to auto-oriented uses and development on properties fronting River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within centers. For the purposes of this subsection, "auto-oriented uses and development" refers to the following uses: (12/19)
    - i. Gasoline service stations (section 2.419). (12/19)
    - ii. Drive-through windows or car service associated with eating and drinking places. (12/19)
    - iii. Vehicle sales and secondary repair (section 2.420). (12/19)
    - iv. Public utility structures and buildings. (12/19)
    - v. Recreational vehicle parks (section 2.412). (12/19)
    - vi. Structured automobile parking not associated with an allowed use. (12/19)
    - vii. Automotive dealers. (12/19)
    - viii. Automotive rental and leasing, without drivers. (12/19)
    - ix. Automotive repair shops (section 2.420). (12/19)
    - x. Automotive services, except repair (section 2.420). (12/19)

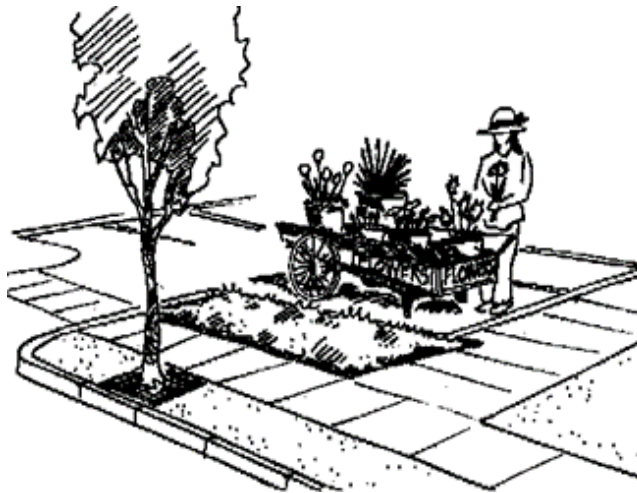
- xi. Utilities; secondary truck parking and material storage yard. (12/19)
- b. Auto-oriented uses and development in centers may be permitted, subject to obtaining a conditional use permit. Applicants must demonstrate how the proposed development either limits or mitigates the safety and aesthetic impacts of the auto-oriented use on the pedestrian environment. Possible strategies to limit/mitigate impacts include increased setbacks, provision of pedestrian-oriented amenities, screening and buffering from the right-of-way and from adjacent residential uses, and access management and control measures. These strategies shall be consistent with screening and other requirements in existing special use standards that address limiting and mitigating impacts. (12/19)

## 2.203. PERMITTED USES GENERALLY

### Sec. 2.203.04. Permitted temporary uses.

The following temporary uses shall be permitted, subject to the following limitations and requirements:

- A. *Permitted activities.* Outdoor tree or fireworks sales are permitted in all zones except residential. Amusement and recreational service (SIC 799) and retail sales and services from a vehicle or temporary structure are permitted in all permitting zones, except residential, as a secondary use; however, houses of worship on arterial or collector streets may conduct any temporary use as described in this section. (2/01)



1. The uses are otherwise permitted to be outdoors in the zone. (5/98)
  2. The activity is located on the same lot for no more than 90 days in any calendar year. (5/98)
  3. ~~The required parking for the primary uses on the same lot is not reduced below ordinance requirements. (5/98)~~
  4. The use does not block driveways, driveway entrances or parking aisles. (5/98)
  5. The activity conforms to all signage requirements in section 2.308. (5/98)
  6. The activity conforms to all setback requirements applicable to the lot and zone. (5/98)
  7. The operator of a temporary use shall provide the required information, pay the applicable fee, obtain and display the required temporary business permit. (5/98)
  8. The operator of a temporary use shall obtain all permits required by other agencies, including those required for food handling and sales, and the sale of fireworks. (5/98)
- B. *Temporary construction facilities.* Mobile offices, temporary power equipment and temporary structures to house personnel and store equipment during construction, provided the structures are not used as dwellings. (5/98)
- C. *Produce stands.* Temporary roadside stands in conjunction with a farm use, provided:
1. Sales are limited to produce grown in the vicinity with at least 51 percent of the produce is grown on the premises. (5/98)
  2. ~~One off-street parking space is provided for each 100 square feet of floor area. (5/98)~~

3. The roadside stand is operated for no more than six months in any calendar year and only between official sunrise and sunset. (5/98)
- D. *Yard sales and auctions.* Yard sales in any residential zone, and auctions in commercial and industrial zones, provided there are not more than three sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. (5/98)
- E. *Additional permitted temporary uses.* The city council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the council finds necessary to protect the health, safety and welfare of the public. (5/04)
- F. *Temporary use of containers.* The temporary use of a portable storage container may be permitted, provided that the portable storage container is placed in a driveway, parking lot, or other paved surface area. A container must be placed on private property and cannot encroach or interfere with any sidewalk, public right-of-way, access way, or vision clearance area. A portable storage container may not be placed anywhere on a lot or parcel more than a total of 30 days in a calendar year. (3/12)

## 2.303. OFF-STREET PARKING AND LOADING

### Sec. 2.303.01. Purpose.

The purpose of this section is to provide standards to ensure adequate areas for ~~the parking,~~ maneuvering, loading and unloading of vehicles and bicycles for all land uses in the City of Keizer. (12/15)

The provision of a minimum number of off-street parking spaces for vehicles is not a requirement of this Code. However, when provided, off-street vehicle parking spaces and areas are subject to applicable City codes and standards, including the standards in this Section.

### Sec. 2.303.02. Scope.

~~The provisions of I~~this section shall apply to the following types of development: (5/98)

- A. *New building.* Any new building or structure erected after the effective date of this ordinance. (5/98)
- B. *Expansion.* The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure. (5/98)
- C. *Change in use.* A change in the use of a building or structure which ~~proposes would require~~ additional parking spaces or off-street loading areas ~~under the provisions of this section.~~ (5/98)

### Sec. 2.303.03. General provisions off-street parking and loading.

- A. *Owner responsibility.* The ~~provision and~~ maintenance of off-street parking and loading spaces ~~are is~~ a continuing obligation of the property owner. Building or other permits will only be issued after receipt of plans that show the location of parking facilities that are designed consistent with the applicable standards.  
~~No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. (5/98)~~
- B. ~~Additional parking required prior to occupancy.~~ Should the owner or occupant of any lot or building change the use to which the lot or building is used, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed. (7/06)
- C. ~~Interpretation by administrator.~~ Requirements for types of buildings and uses not specifically listed herein shall be determined by the zoning administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. The zoning administrator shall have the authority to make adjustments based on parking demand analysis prepared by an applicant. (7/06)
- D. ~~Combined uses.~~ In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to subsection 2.303.05. (5/98)
- E. *Use of parking spaces.* ~~Required P~~arking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only and shall not be used for storage of vehicles or materials, including solid waste collection containers. ~~Garages for single-family and duplex dwelling units shall not be counted in determining required parking spaces. (5/98)~~
- F. *Drainage.* All new parking areas and expansion of existing parking areas shall provide a storm drainage system to dispose of runoff generated by the impervious surface. Provisions shall be made for the appropriate on-site collection, storage, conveyance, and treatment of drainage water. All development shall be designed and constructed to prevent sheet flow of such water onto sidewalks, public rights of way, and

abutting properties. The drainage system shall be approved by Keizer Public Works Department prior to construction and shall be constructed in accordance with the city's storm water management regulations. (9/17)

#### Sec. 2.303.04. Location and use provisions.

Off-street parking and loading areas ~~which shall be are~~ provided ~~on the same lot with the main building or structure or use except that are~~ subject to the following standards: (5/98)

- ~~A. Residential zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. Tandem parking (stacking no more than two cars end to end in a private drive way) shall be an acceptable method of meeting parking requirements. (9/17)~~
- ~~B. Nonresidential zone. In any nonresidential zone, the parking area may be located off the site of the use if it is within 500 feet of such site and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. (12/15)~~
- C. Accessory parking use, nonresidential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in nonresidential zones. (7/06)
- D. Accessory parking use, residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone, provided: (5/98)
  - 1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)
  - 2. Vehicles parked outdoors in a residential zone may be parked in a driveway, as regulated herein, and must be located within the front yard meeting the requirements for required parking in this section. (9/17)
  - 3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot, provided it complies with the provisions in section 2.407.G. (12/11)
  - 4. A parking plan must be approved for all development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots.
- E. Yard parking restrictions. No parking of vehicles, trailers, boats, or recreational vehicles shall be allowed in a front yard except on a driveway. (12/15)
- F. Storage restrictions. Side and rear yards may be used for storage and parking of vehicles, trailers, boats, and recreational vehicles. Storage and parking areas shall be screened by a six-foot-high fence, wall, or hedge. Storage and parking areas shall be either durable hard surface or gravel surface consistent with the requirements in section 2.413 (recreational vehicle storage—single-family homes). The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (12/15)
- G. All vehicles are subject to the regulations prohibiting illicit discharge, as governed by applicable city regulations. (9/17)

#### Sec. 2.303.05. Joint use.

~~Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared, subject to zoning administrator's approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint~~



use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. (7/06)

### **Sec. 2.303.06. Off-street automobile parking requirements.**

Off-street parking shall be provided in the amount not less than listed below. (9/17)

A. — *Parking requirements.* (6/22)

\*Square footage = Gross floor area. (12/15)

\*Totals shall be rounded up to the next whole number

| <i>Land Use Activity</i>                                                                                                     | <i>Spaces Required</i>                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Single-family                                                                                                                | 2 per dwelling unit                                                                                              |
| Duplex, triplex, quadplex, townhouse, and cottage cluster                                                                    | 1 per dwelling                                                                                                   |
| Single-family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot | 3 per dwelling unit                                                                                              |
| Multifamily types                                                                                                            | 1 space per 1 bedroom unit + 1 additional space for every 10 units; or                                           |
|                                                                                                                              | 1.5 spaces per 2 or more bedroom units + 1 additional space for every 10 units                                   |
| Hotel, motel, bed and breakfast                                                                                              | 1 space per guest room                                                                                           |
| Club, lodge                                                                                                                  | Combination of uses being conducted: hotel, restaurant, etc.                                                     |
| Hospital                                                                                                                     | 1 space per 2 beds                                                                                               |
| Nursing home, convalescent home, memory care                                                                                 | 1 space per 3 beds                                                                                               |
| Senior living facility, assisted living facility                                                                             | To be determined through review process                                                                          |
| Health service, medical or doctor's office, nonprofit shelter providing emergency housing and associate services             | 1 space per 350 square feet                                                                                      |
| House of worship, auditorium, stadium, theater                                                                               | 1 per 4 seats or every 8 feet of bench length                                                                    |
| Park, special event                                                                                                          | As determined through conditional use/master plan or city council review                                         |
| Elementary, middle school                                                                                                    | 2 spaces per classroom; in addition, 1 space per 350 sq. ft. of administrative office                            |
| High school                                                                                                                  | 1 space per classroom; in addition, 1 space per 10 students and 1 space per 350 sq. ft. of administrative office |
| Family day care provider, day care facility                                                                                  | In addition to required single-family parking:                                                                   |
|                                                                                                                              | 1 space for up to 12 children                                                                                    |
|                                                                                                                              | 2 spaces for more than 12 children                                                                               |
| Preschool, nursery                                                                                                           | 1 space per each employee plus 1 space per room                                                                  |
| Bowling alley, skating rink, community center, recreation facility                                                           | 1 space per 200 square feet                                                                                      |
| Golf course                                                                                                                  | 4 spaces per green                                                                                               |
| Tennis courts, racquetball courts                                                                                            | 2 spaces per court                                                                                               |
| Retail store                                                                                                                 | 1 space per 300 square feet                                                                                      |
| Personal service                                                                                                             | 1 space per 350 square feet                                                                                      |

|                                                                                                                                                                      |                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Service repair center; retail store handling bulky merchandise (e.g., furniture, home furnishing, major equipment), home appliance, television, electronic equipment | 1 space per 900 square feet   |
| Dry cleaner                                                                                                                                                          | 1 space per 1,000 square feet |
| Laundromat                                                                                                                                                           | 1 space per 300 square feet   |
| Bank, credit union                                                                                                                                                   | 1 space per 400 square feet   |
| Office used for real estate, lawyer, insurance brokers                                                                                                               | 1 space per 500 square feet   |
| General office (non-medical)                                                                                                                                         | 1 space per 500 square feet   |
| Eating and drinking establishment                                                                                                                                    | 1 space per 125 square feet   |
| Wholesale establishment                                                                                                                                              | 1 space per 2,000 square feet |
| Government offices open to the public                                                                                                                                | 1 space per 500 square feet   |
| Wireless telecommunication facility                                                                                                                                  | 1 space per facility          |
| Industrial, manufacturing, processing                                                                                                                                | 1 space per 1,000 square feet |
| Warehousing and storage terminals                                                                                                                                    | 1 space per 2,000 square feet |

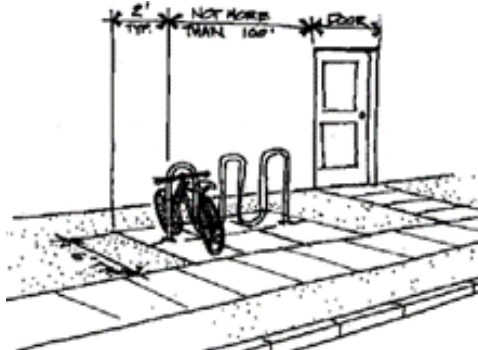
B. *Parking reduction.* The number of minimum required parking spaces may be reduced by up to ten percent if the site is served by transit and transit related amenities, such as transit stops, pull-outs, shelters, park-and-ride lots, are provided or will be provided as part of the development of the site. (12/15)

C. *Parking increase.* The number of minimum required parking spaces shall not be increased by more than 50 percent unless a property owner provides a parking demand analysis which documents that a greater amount is necessary to serve the needs of those who will use the parking facility and is accepted by the community development director. (12/15)

### Sec. 2.303.08. Bicycle parking.

A. *Bicycle parking required.* Bicycle parking shall be required in all public and semi-public, commercial, multifamily, and industrial development as well as park-and-ride lots. Bicycle parking shall be based on the amount of automobile parking required provided. In addition to a required one bicycle parking space, bicycle parking spaces shall be calculated at five percent of the amount of the automobile parking spaces which are required provided and all fractions are rounded up the next whole number. (12/15)

B. *Bicycle parking development requirements.*



1. *Space size.* Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four-foot aisle. (5/98)

2. *Location.* All bicycle parking areas shall be within 50 feet of a building entrance and located within a well-lit area. Bicycle parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (12/15)
  3. *Rack design.* Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. Fixed objects which are intended to serve as bicycle parking facilities but which are not obviously designed for such purposes shall be clearly labeled as available for bicycle parking. (12/15)
  4. *Access.* Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)
- C. *Exemptions.* The following uses are exempt from the bicycle parking requirements: (5/98)
1. Seasonal or temporary businesses. (5/98)
  2. Wireless telecommunication facilities, and other utilities. (12/15)

### **Sec. 2.303.09. Carpool and vanpool parking.**

New office or industrial development ~~with providing 100-50~~ or more parking spaces, shall designate ~~at least five percent of the preferential~~ parking ~~spaces~~ for carpool or vanpool ~~parking~~. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved—Carpool/Vanpool Only" along with specific hours of use. ~~Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by three spaces for each carpool/vanpool space created.~~ (5/98)

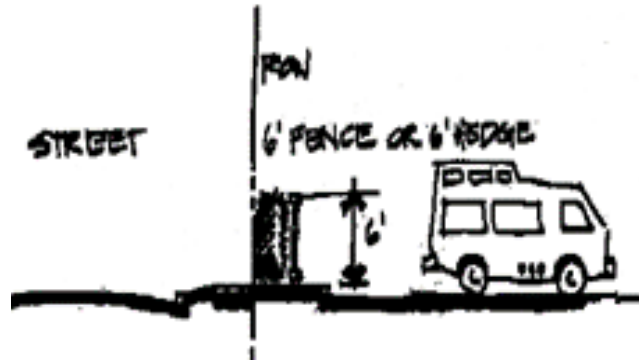
### **Sec. 2.303.11. Parking and loading area development requirements.**

All parking and loading areas shall be developed and maintained as follows:

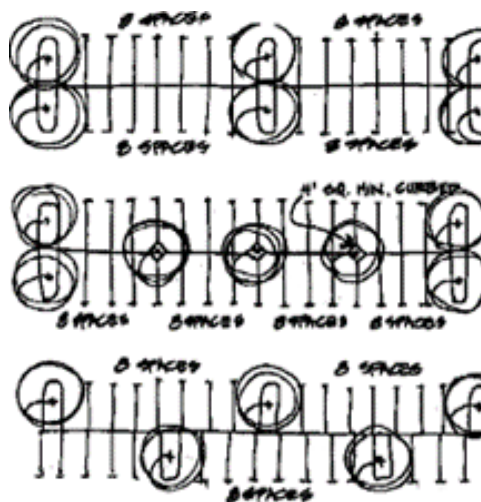
- A. *Surfacing.* All driveways, parking and loading areas shall have a durable, hard, dust-free surface such as asphalt, concrete, or pavers (segmented bricks). Temporary or overflow parking areas may be allowed on a case-by-case basis, subject to public works and community development approval to be exempt from this requirement. "Overflow" is defined as being on an infrequent or occasional basis and is in addition to parking that already exists on the site. "Temporary" is less than two years in duration. (12/15)
- B. *Parking spaces.*
  1. *Dimensions.* Head-in parking spaces shall be a minimum nine feet wide and 18 feet in length. Parallel parking spaces shall be a minimum nine feet wide and 22 feet in length. (9/17)
  2. *Compact spaces.* Compact parking spaces, at a reduced width of 8.5 feet and 16 feet in length, shall be permitted on sites with more than five parking spaces. No more than 30 percent of the required parking shall be compact spaces and each space must be identified as a compact space. (12/15)
- C. *Aisle dimensions.* (9/17) The following minimum aisle dimensions shall apply: (5/98)
  1. Without adjacent parking (drive aisle): (9/17)
    - a. Single-family residence: 12 feet.
    - b. One-way: 12 feet.
    - c. Two-way: 22 feet.
  2. With adjacent parking: (9/17)

| Parking Angle | Aisle Width |         |
|---------------|-------------|---------|
|               | One-Way     | Two-Way |
| 0 to 40       | 14 feet     | 24 feet |
| 41 to 70      | 16 feet     | 24 feet |
| 71 to 90      | 24 feet     | 24 feet |

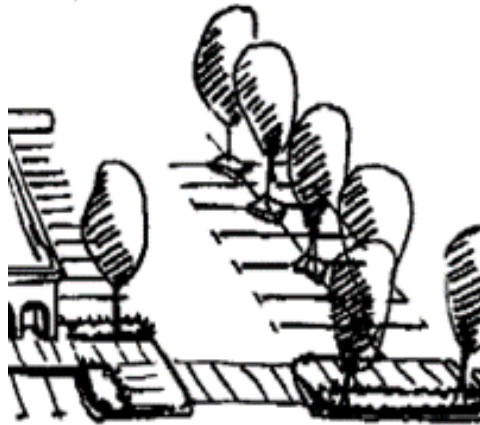
- D. Screening. When any parking or loading area abuts a residential zone, the parking or loading area shall be screened or buffered as is required in section 2.309.05. (7/06)



- E. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way and shall provide appropriate shielding so the light source is not visible from any public right-of-way or adjacent residential property. (9/17)
- F. Landscaping.
1. Parking lot landscaping should be designed to provide shade, reduce storm water runoff, and direct traffic. Incorporation of approved stormwater quality facilities in landscaped areas is encouraged. (9/17)



2. One tree shall be planted for every eight linear parking spaces. The planting space shall measure no less than four feet square and be contained by appropriate methods to ensure landscaping materials are kept in place, and vegetation is protected from vehicle maneuvering and parking areas. Trees may be planted in clusters to screen or buffer the development if approved in the landscaping plan. (9/17)



3. Trees shall be of a species that the root system will not interfere with underground utilities or the parking surface and must be capable of achieving a minimum 15-foot canopy radius. (9/17)
4. All trees must be planted in proximity to proposed parking areas. At a minimum, one-third of the diameter of each proposed mature tree canopy shall provide shade and overlap the parking area. (9/17)
5. Trees may be planted within a storm drainage area subject to public works review and approval, provided the selected tree species will not adversely impact the function of the storm drainage facility. (9/17)
6. Trees shall be a minimum two inch caliper at the time of planting, of a suitable species, and be healthy with no visible damage. (9/17)
- G. Traffic flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)
- H. Entrance/exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)
- I. Bumper rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least four inches high and located a minimum of three feet from the property line. (5/98)
- J. Existing development may redevelop a portion of existing parking areas ~~in order~~ to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park-and-ride stations. ~~The number of parking spaces may be reduced by up to ten percent of the minimum required parking spaces for that use. (7/09)~~

## **2.311. PLANNED UNIT DEVELOPMENT DESIGN STANDARDS**

### **Sec. 2.311.03. Development standards.**

- A. *Common open space.* A minimum of 20 percent of the gross area shall be devoted to common open space, and at least ½ of the common open space must be managed in a natural state or developed with high-quality vegetation, as defined in section 2.311.05(B)(6). The common open space shall be designated on the development plan and must comply with the provisions in section 2.311.05. (4/17)
- B. *Lot area.* The minimum lot area, width, depth, frontage, and yard requirements otherwise applying to individual lots in the zone in which a planned unit development is proposed do not apply within a planned unit development and do not require a concurrent variance to vary from the requirements in the underlying zone. (4/17)
- C. *Accessibility.* All lots or buildings shall be able to access open space or recreation areas from within the planned unit development. Access may be by roadway or pedestrian/bicycle access way. (5/98)
- D. *Structure setback provisions.* Street-side, garage entrance, and building setbacks for lots on the perimeter of the planned unit development shall be the same as that required for the underlying zoning district. Detached structures shall have no minimum side yard setback but must meet the Oregon State Building Code requirements. Otherwise, the minimum setbacks of the underlying zone do not apply. (4/17)
- E. *Attached dwellings.* Buildings sharing common walls are permitted within a planned unit development. (5/98)
- F. *Height.* The maximum building height shall not exceed the building height in the underlying zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features are used to avoid adverse impact of the greater height. (4/17)
- G. *Street dedication.* Except for private streets allowed under section 2.302, all streets shall be dedicated to the public. (4/17)
- H. *Streets.* All streets shall be designed and constructed as specified according to its appropriate street classification as identified in section 2.302. (4/17)
- I. *Parking.* Parking ~~will be required~~ in accordance with the provisions of section 2.303. (10/02)
- J. *Walkways.* Sidewalks shall be developed in accordance with applicable provisions in section 2.302. The overall plan for the planned unit development shall include an acceptable pedestrian circulation system and must demonstrate compliance with current pedestrian safety standards. (4/17)
- K. *Utilities.* Development of the property shall comply with utility and storm drainage provisions as outlined in the public works departments design standards and constructions specifications. (4/17)
- L. *Homeowners association.* A homeowners association shall be required and is subject to the provisions in section 2.311.06. (4/17)

## **2.314 STANDARDS FOR SINGLE-FAMILY DWELLINGS, DUPLEXES, TRIPLEXES, QUADPLEXES, COTTAGE CLUSTERS, AND TOWNHOUSES**

The following standards will be applied to all single-family dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, RM, MU or UT zones: (6/22)

- A. All single-family homes, duplexes, triplexes, quadplexes, and townhouses shall have at least one primary building façade or entrance oriented towards the front lot line or the street. Single-family homes, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall incorporate at least five of the following design features to provide visual relief along the front of the home: (6/22)
1. Dormers; (5/98)
  2. Gables; (5/98)
  3. Recessed entry; (10/15)
  4. Covered porch with front door entry facing the front lot line; (10/15)
  5. Cupolas; (5/98)
  6. Pillars or posts; (5/98)
  7. Bay or bow windows or window shutters; (10/15)
  8. Eaves (minimum six-inch projection); (5/98)
  9. Offsets on building face or roof (minimum 16 inches). (5/98)
  10. Window(s) facing the street or access easement have a minimum area of not less than 24 square feet. (10/15)
  11. A significant variation of three different building materials, the least of which shall be ten percent of the façade (stone, wood, siding, shakes, etc.). (10/15)

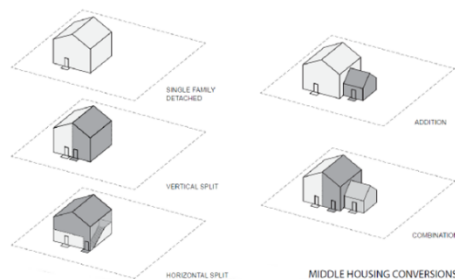


- B. Garages and carports. When garages and carports are provided they shall meet the following: (10/15)
1. Garage doors and carport openings facing the street shall not account for more than 50 percent of the dwelling façade that faces the street. (10/15)
  2. Garage doors on lots less than 8,000 square feet must be recessed from the front plane of the house at least five feet or mitigated with additional design features as set forth below. These are in addition to the features required in section 2.314(A) above: (10/15)
    - a. If garage door is even with or recessed less than five feet from the front building plane then one additional design feature from the design feature listed below is required. (10/15)

- b. If garage door protrudes five feet or less from the front building plane then two additional design features from the design feature listed below is required. (10/15)
- c. If garage door protrudes more than five feet from the front building plane, then three additional design features from the design feature listed below is required: (10/15)

Design Feature (Garages and Carports)

- Trellis in front of the garage. (10/15)
  - Projections (such as pillars, posts, stonework, brick work) over, or at each side of the garage doors. Projections shall be a minimum of eight inches in depth. (10/15)
  - Additional gables, including one above the garage. (10/15)
  - Windows in garage door. (10/15)
  - Decorative garage doors which incorporate architectural design elements such as stable doors etc. (10/15)
  - Landscaping which includes a variety of trees and other planting materials to visually mitigate the garage, which is in addition to required landscaping. (10/15)
  - Added architectural feature(s) using materials, textures, and/or design features in the plane of the garage. (10/15)
  - Decorative hardscape features which may be either horizontal and/or vertical and include a variety of materials and textures, such as stamped concrete, pavers, bricks, columns, significant ornamental rocks, etc. (10/15)
- C. Middle housing conversions. A conversion from a single-family home to a duplex, triplex, quadplex, or cottage cluster is allowed. The following requirements and standards apply: (6/22)
- A. The converted housing type is a permitted use in the underlying zone. (6/22)
  - B. ~~With the exception of minimum parking requirements, the~~The conversion of the existing single-family home does not create or increase nonconformance with applicable development and design standards. (6/22)
  - C. The conversion is exempt from additional design requirements and public facility improvements. (6/22)
  - D. The conversion is subject to the city's building permit review and approval process. (6/22)





## **2.403. ACCESSORY DWELLING UNIT**

### **Sec. 2.403.02. Detached accessory dwelling unit.**

A detached accessory dwelling unit shall meet the following use and development standards: (6/23)

- A. *Location.* Except as allowed below, a detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of five feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (6/23)
- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in section 3.101.01. If located in the front yard, including conversion of or adding a second story to an existing front yard accessory structure or garage, the applicant must show that the design of the ADU will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below. (6/23)
- C. *Parking.* No ~~additional~~ off-street parking is required. If provided, the following standards apply: (6/23)
  - 1. Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (6/23)
  - 2. No separate driveway is permitted, unless allowed by the public works director. (1/19)
  - 3. All driveways and parking areas shall have a durable, hard, dust-free surface built to City of Keizer public works standards. (6/23)
- D. *Design.* The detached ADU must be residential in character and must incorporate a minimum of three design features for single-family dwellings found in section 2.314.A unless blocked from the street view by the primary building. A separate address shall be required for each residence. (6/23)
- E. *Area.* The ADU shall be no larger than 750 square feet in interior living space. Non-habitable areas must meet the standards found in section 2.313. (6/23)
- F. *Setbacks and height.* The minimum rear yard setback shall be five feet for a one-story structure and ten feet for a two-story structure, unless located on an alley in which case the setback shall be one foot; the minimum side yard setback shall be five feet. The maximum height allowed is 25 feet. (6/23)
- G. *Ownership.* A detached ADU under this section shall not be separated in ownership under the provision of ORS chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- H. *Dwelling units.* The lot shall contain no more than two dwelling units and there must be no more than one total ADU per lot, unless the lot is located within the River-Cherry Overlay District (RCOD) and in accordance with section 2.130. ADUs are not included in minimum or maximum density calculations. (6/23)
- I. *Newly constructed detached garage or accessory building.* An ADU is allowed to be built as a second story to a detached garage or accessory building. Ground floor building footprint is limited to the requirements found in section 2.313.01.E. (6/23)
- J. *Building conversion.* Conversion of an accessory structure to a detached ADU is allowed, subject to the following standards: (6/23)

1. The area of the detached ADU is limited to a maximum of 750 square feet of interior living space regardless of the total area of the existing structure. Any additional square footage may only be used for non-dwelling purposes. (6/23)
  - a. For a single-story building: If the existing building is set back less than three feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure. (6/23)
  - b. For a two-story building: Setbacks and height of the building must conform to section 2.403.02F. (6/23)
  - c. Conversion of an existing legal nonconforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the nonconformity. (6/23)

## **2.405. MANUFACTURED HOME PARKS**

### **Sec. 2.405.03. Design standards.**

Manufactured home parks are subject to the minimum standards and conditions set forth in this section. (5/98)

- A. *Type of manufactured home permitted.* Only those manufactured homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce Insignia of Compliance that indicates conformance with housing and urban development (HUD) standards shall be permitted. (5/98)
- B. *Design standards.*
  - 1. *Size.* All manufactured homes shall be at least 20 feet wide with a minimum square footage of 864 square feet. (5/98)
  - 2. *Siding and roofing.* Manufactured homes shall have siding materials, including skirting if applicable, similar to that presently used on houses constructed under the Uniform Building Code. A wood shingle, composition or shake roof is required with a minimum 2:12 slope. (5/98)
- C. *Additions to manufactured homes.* Carports, cabanas, ramadas, awning and other structures that are attached to a manufactured home shall conform to building code requirements. These additions and structures shall be considered as a part of the manufactured home for determining the lot coverage, setbacks and other requirements. (5/98)
- D. *Manufactured home space.* The minimum area shall be 3,000 square feet with a minimum space width of 40 feet. Spaces within 15 feet of the boundary of a manufactured home park shall contain a minimum of 4,000 square feet. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or by permanent markers. (5/98)
- E. *Manufactured home space coverage.* No more than 50 percent of a space shall be occupied by the manufactured home and any accessory structures. (5/98)
- F. *Separations and setbacks.* Building separations and setbacks from the park boundary for mobile homes, accessory structures, and buildings shall be as follows. (5/98)
  - 1. *General park development.* Setbacks for structures other than manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone. (5/98)
  - 2. *Manufactured homes.* (5/98)
    - a. Front: five feet minimum to the sidewalk; eight feet minimum to the curb.
    - b. Side and rear: ten feet minimum to any adjacent manufactured home; six feet minimum to any adjacent nonresidential structure.
    - c. Park boundary. Manufactured homes on the periphery of a manufactured home park shall maintain the same setbacks as required for the rear yard in the underlying zone. (5/98)
  - 3. *Accessory structures.* (5/98)
    - a. Front: five feet minimum to the sidewalk; eight feet minimum to the curb. (5/98)
    - b. Side and rear: six feet minimum to any adjacent manufactured home or adjacent nonresidential structure. (5/98)

- c. Park boundary. Accessory structures on the periphery of a manufactured home park shall maintain the same rear yard setbacks for accessory structures in the underlying zone. (5/98)
- 4. *Carports.* (5/98)
  - a. Front: 20 feet minimum to the sidewalk. (5/98)
  - b. Side and rear: Carports attached to, or within three feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply. (5/98)
  - c. Connecting garages: When a double carport or garage is built to serve two adjacent manufactured homes, a minimum six-foot separation shall be required between the double carport and any adjacent structure, manufactured home, or accessory structure. Alternatively, a one-hour fire separation may be provided through the center of the double carport. (5/98)
- G. ~~Parking. Two automobile parking spaces shall be required for each manufactured home space. Parking spaces may be designed end-to-end, side-to-side, or provided in off-street parking areas. (5/98)~~
- H. *On-site storage.* Outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the park management shall be screened with a six-foot sight-obscuring fence, wall or hedge. (5/98)

## 2.407. HOME OCCUPATIONS

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

- A. *Operations.* The owner/operator of the home occupation(s) shall reside in the home in which the home occupation is conducted. No more than one outside employee shall be permitted per residence. (12/11)
- B. *Compatibility.* The home occupation(s) shall be continuously conducted in such a manner as not to create any off-premises nuisance, public or private, including, but not limited to, noise as outlined in the city's noise ordinance, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. This includes uses occurring within the residence, garage, or accessory structure, and also any equipment, such as, but not limited to, air compressors or refrigerator trucks that may be used as part of the home occupation. (12/11)
- C. *Signs.* Signs shall comply with all sign code regulations, including the provisions in section 2.308.08.G(1) of this ordinance. (12/11)
- D. *Location.* The home occupation(s) shall be conducted entirely within the dwelling, an attached garage, or in an unattached accessory building. (12/11)
- E. *Area.* The total floor area devoted to the home occupation(s) shall not exceed 500 square feet. Any structural additions to the dwelling or accessory structure shall be consistent with zoning regulations and shall not result in the change of the primary use of the structure. (12/11)
- F. *Alterations.* Structural alterations are permitted consistent with section 2.314 and provided the residential character of the building is not altered nor will result in the change of the primary use of the structure as the residence. (12/11)
- G. *Parking.* ~~The number of required on-site parking spaces shall not be reduced; however, no additional parking is required.~~ If the home occupation(s) requires an outside employee that will stay on-site, then an additional off-street parking space is recommended. ~~consistent with section 2.303 shall be provided.~~ One motor vehicle plus a trailer that is used in conjunction with a home occupation may be parked on the lot. No single vehicle or trailer that is associated with a home occupation may have a gross vehicle weight rating of more than 16,000 pounds. (12/11)
- H. *Hours of operation.* Visits by suppliers or customers are limited to the hours of 8:00 a.m. to 8:00 p.m. (12/11)
- I. *Outdoor storage.* Outdoor storage or display of materials, equipment, or merchandise shall be prohibited. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that which is normally incidental to residential use is prohibited. (5/98)
- J. *Prohibited activities.* (5/98)
  - 1. Vehicle repair. Repair of vehicles, including automobiles, motorcycles, tractors, recreational vehicles, boats, and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work and painting. (12/11)
  - 2. Retail or wholesale sales of a product or good(s) on the site. This prohibition does not apply to operation of a mail order business where customers do not come to the site or to retail sales that are incidental to the occupational use, such as, but not limited to, beauty products from salons, sheet music from music teachers, or computer software for computer consultants. (12/11)

3. The home occupation shall not be used for the assembly of more than two nonresident employees engaged primarily in work off-site of the home occupation location. (12/11)
- K. *Day care provisions.* The provisions in this section do not apply to day care facilities or family day care providers. (4/16)

## **2.412. RECREATIONAL VEHICLE SPACES AND PARKS**

Where permitted, recreational vehicle spaces or parks shall meet the following use and development standards: (5/98)

- A. Definitions. For the purpose of this section, the following definitions shall apply: (5/98)
1. Recreational vehicle. A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. "Recreational vehicle" includes: (5/98)
    - a. Camping trailer. A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle. (5/98)
    - b. Motor home. A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle. (5/98)
    - c. Travel trailer. A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits. (5/98)
    - d. Truck camper. A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pickup truck. (5/98)
    - e. Boat, licensed or unlicensed, including trailer. (5/98)
    - f. All-terrain vehicle (ATV). (5/98)
  2. Recreational vehicle park. Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles. (5/98)
  3. Recreational vehicle space. The area under a parked and occupied recreational vehicle. (5/98)
  4. Except as provided in section 2.423, if a recreational vehicle is used for temporary living purposes for more than 30 days in any calendar year, the space shall be located in a recreational vehicle park. (4/13)
- B. Development and use requirements for recreational vehicle parks. (5/98)
1. With the exception of one mobile home for a caretaker/operator, recreational vehicle parks shall be limited to recreational vehicles, tents and other temporary shelter structures. (5/98)
  2. Access roads shall be paved. (5/98)
  3. One-way access roads and parking spaces shall have an improved width of 12 feet. A 20-foot-wide road is required if parallel parking is allowed on one side. Two-way access roads shall have an improved width of at least 22 feet. (5/98)
  4. The perimeter of the recreational vehicle park shall be surrounded by a six-foot sight-obscuring fence or hedge. (5/98)
  5. Camping supplies and convenience foods may be sold within a building. (5/98)
  6. The entrance shall be designed with adequate parking without blocking two-way access to the designated recreational vehicle spaces. (5/98)
  7. No outdoor recreation facilities shall be used between 10:00 p.m. and 8:00 a.m. (5/98)
  8. All outdoor lighting shall be directed away from adjacent residential properties and public streets. (5/98)

9. A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection. (5/98)
  10. Except as provided in section 2.423, spaces to be occupied for more than 30 days in any calendar year shall provide on-site electrical, sewer, and water hookups. (4/13)
- C. Requirements for recreational vehicle spaces. (5/98)
1. The space shall have an all-weather surface and be drained to prevent standing water. (5/98)
  2. These spaces shall not be located closer than ten feet to any other spaces or any buildings unless located within a building. (5/98)
  3. The space shall not be located in any ~~required~~ off-street parking space or required yard areas. (5/98)
- D. For a recreational vehicle referred to in section 2.116.03(E) (recreational vehicles in public zones in conjunction with stadiums), the following use and development standards shall apply instead of subsection C above: (12/98)
1. The recreational vehicle shall be kept in good condition and repair and attractive at all times, as determined by the city manager and public works department or their designee. (12/98)
  2. The recreational vehicle shall be used and occupied only by caretaker/security personnel for protection and maintenance of the stadium. (12/98)
  3. The recreational vehicle space shall be paved with asphalt or concrete of a size able to completely accommodate the recreational vehicle being parked with an additional two feet of paving on each side and the end of the recreational vehicle. (12/98)
  4. The recreational vehicle space shall have a sewer connection approved by the City of Salem. (12/98)
  5. The connection from the recreational vehicle to the sewer connection shall be by hard pipe only. No flexible hoses shall be allowed. (12/98)
  6. The connection between the recreation vehicle and the sewer connection shall be approved by the City of Keizer Public Works Department and shall be drip-tight. (12/98)
  7. The water connection shall be a hose approved for recreational vehicle use and shall include an atmospheric vacuum breaker pursuant to the Uniform Plumbing Code to prevent back-siphoning. (12/98)
  8. The location of the recreational vehicle space shall be approved by the Keizer Public Works Department and the applicable fire district. (4/13)
  9. The recreational vehicle and recreational vehicle space shall be placed and used in conjunction with all applicable public works, development, health, fire, building, and other applicable regulations. (12/98)



## **2.413. RECREATIONAL VEHICLE STORAGE—SINGLE-FAMILY HOMES**

Where permitted as a special use in conjunction with a single-family residence, the development of recreational vehicle storage space shall meet the following use and development standards: (5/98)

- A. *Space limitation.* Each residence in the RS zone shall be limited to one RV storage space ~~in addition to permitted off-street parking~~. Permitted off-street parking may be used to store recreational vehicles. (5/98)
- B. *Location.* The RV space shall be located in either the side or rear yard, or in the front yard in accordance with section E below. (5/98)
- C. *Surfacing.* The space shall have an all-weather or gravel surface and be drained to prevent standing water. (12/15)
- D. *Screening.* A space located closer than ten feet to an adjacent property line shall be screened by a six-foot sight-obscuring fence, wall or hedge. (5/98)
- E. *Parking in a front yard.* No RV, boat, or similar recreational vehicle shall be parked in a front yard other than on a driveway or in an enclosed area as described in section 2.303.04. No driveway shall be widened to more than 36 feet to accommodate an RV (2.303.04.D). No RV shall be parked so as to intrude into the public right-of-way. (12/15)
- F. *Recreational vehicle use.* One recreational vehicle can be used for temporary living purposes, provided that the recreational vehicle is parked on an RV space consistent with the provisions in this chapter. In addition, a recreational vehicle can be used for temporary living purposes for no more than 30 total days during any calendar year. (4/13)

## **2.423. HOUSES OF WORSHIP**

Where permitted as a special use, houses of worship shall meet the following use and development standards: (5/98)

- A. *Location.* Houses of worship shall be located adjacent to designated collector or arterial streets. (5/98)
- B. *Side and rear setbacks.* In or abutting every residential zone or use, 20 feet. (5/98)
- C. *Landscaping.* All required yard areas shall be landscaped. (5/98)
- D. *Off-street parking.* ~~No off-street parking areas shall be permitted not be located~~ within a required yard area or within ten feet of a residential zone or use. ~~For houses of worship not located on an arterial street, no more than 100 off-street spaces shall be provided. Building size and seating capacity may be limited by the maximum number of parking spaces allowed in this subsection and that effect is intended. These provisions shall not justify a variance. (5/98)~~
- E. *Screening of off-street parking.* Where any portion of an off-street parking area is within 15 feet of a lot zoned or used for residential purposes, the perimeter of the parking area facing such residential zone or use shall be screened by a sight-obscuring fence, wall, or hedge. (5/98)
- F. *Street access.* Unless permitted by the city, no more than two vehicle access driveways per street frontage shall be permitted. (5/98)
- G. *Bus storage.* Storage of buses used to transport the congregation is permitted if buses are not parked closer than 20 feet to a lot in a residential zone. (5/98)
- H. *Recreational vehicle use.* Temporary use of one recreational vehicle is permitted, provided that the recreational vehicle is screened by a six-foot-tall sight-obscuring fence from any adjacent lot that is in a residential use or zone. A recreational vehicle can be used for temporary living purposes for no more than 90 total days during any calendar year. The same or a different recreational vehicle may be parked on the property for temporary living purposes, so long as the maximum number of days in a calendar year is not exceeded. (4/13)

## **2.427. WIRELESS TELECOMMUNICATION SYSTEM**

### **Sec. 2.427.07. Standards for siting WTS facilities shall be as follows. (3/10)**

- A. All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this section. Underground facilities may encroach upon required yards or may be placed in appropriate easements. (3/10)
- B. All WTS facilities including electronic equipment shall be screened by a six-foot-high sight-obscuring fence, wall, or hedge. If a fence or wall is provided, it shall be landscaped around the perimeter of the fencing. All lighting shall be deflected away from adjoining properties, with the exception of lighting which is required by the FAA. (3/10)
- C. Any WTS facility shall receive FCC approval. (3/10)
- D. ~~All WTS facilities shall provide a minimum of one off-street parking space or a parking plan may be provided that can show how maintenance vehicles will be accommodated. (3/10)~~
- E. All equipment cabinets, boxes, etc., shall be painted consistent with the color requirements in section 2.315. (3/10)
- F. All WTS facilities located within a public right-of-way shall adhere to the following: (3/10)
  - 1. Use an existing utility or light pole. If it is not possible to use an existing utility or light pole, a new pole may be provided so long as it is connected to the existing utility pole system so that it appears to be an integral part of that utility system and does not jeopardize the integrity of the pole. In no case may either a new pole or an extension to an existing utility pole be 25 feet higher than the existing utility poles or ten feet higher than a light pole. (3/10)
  - 2. A franchise agreement and/or other regulation with the city shall be required prior to the operation of any WTS within the city's right-of-way. (3/10)
  - 3. Where a WTS is proposed in the city's right-of-way where utilities are located underground, no new utility poles are permitted. (3/10)
  - 4. Equipment cabinets associated with the operation of a WTS facility may not be placed within the right-of-way. They shall be placed on private property, subject to private property owner's permission, and shall comply with the fencing requirements in section 2.309 and accessory structure requirements in section 2.313 for determining setback requirements. (3/10)
- G. For a WTS facility abutting residential zoning districts, the setback from the property line shall be determined by calculating the difference between the height of the tower and the underlying height allowed within the zone district (for example, if the height of tower is 75 feet and underlying zone allows a maximum height of 50 feet then the setback is 25 feet). In no case shall the setback be less than 25 feet. (3/10)
- H. For a WTS facility abutting nonresidential property lines, the setback shall be determined by calculating one-half the difference between the height of the tower and the underlying height allowed within the zone district (for example, if the height of tower is 75 feet and underlying zone allows a maximum height of 50 feet, then the setback is 12.5 feet). (3/10)
- I. A WTS facility that is abandoned shall be removed within 90 days of abandonment. Failure to remove an abandoned WTS within this timeframe is hereby declared a nuisance and shall be subject to abatement under the provisions of local and state law. (3/10)
- J. Proposed WTS on existing water towers shall be designed so as to be unobtrusive and to minimally extend above the height of the tower. (3/10)

- K. Collocation is required where feasible pursuant to generally accepted engineering practices. Collocation shall not be considered infeasible due solely to cost. (3/10)
- L. WTS shall not create or emanate noise which can be heard on any abutting or adjacent property. (3/10)

## **2.432. COTTAGE CLUSTER DEVELOPMENT**

### **Sec. 2.432.03. Site requirements.**

- A. *Ownership options.* Cottage cluster developments may be on a single lot under single ownership, or cottage units may be on individual lots that are individually owned. Cottage clusters are eligible for middle housing land divisions which would create individual lots for each unit and allow for fee simple ownership of the individual cottages and land they sit upon. Common ownership of or easements for the use of common areas or facilities still would be needed. (6/22)
- B. *Development standards.*
1. *Parent parcel.* The parent parcel, which shall encompass the entire cottage cluster development, shall be at least the minimum lot size established for cottage clusters in the underlying zone (7,000 square feet). The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city's regulations or with middle housing land division standards and requirements. (6/22)
  2. *Cottage lots.* There is no minimum lot size for the individual cottage lots.
  3. *Density.* Cottage cluster development must meet a minimum density of four units per acre. There is no maximum density for cottage clusters. (6/22)
  4. *Average minimum lot width and depth.* There is no minimum lot width or depth for the individual cottage lots. (6/14)
  5. *Maximum lot coverage.* There is no maximum lot coverage for the individual cottage lots or a cottage cluster parent lot. (6/22)
  6. *Maximum height.* 25 feet. (6/14)
  7. *Minimum setbacks.* See the setback standards for underlying residential zone. Interior units on a common lot or separate lots shall be spaced at least ten feet apart. If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy. (6/22)
  8. *Minimum landscape requirement.* The standards from the base zone shall apply. (6/14)
- C. *Lot/cottage arrangement.* (6/14)
1. Cottage cluster developments shall contain a minimum of three cottages and no more than eight cottages per common open space. (6/22)
  2. Cottages shall be arranged around a common open space, and at least 50 percent of the cottages shall have frontage with a primary entrance on the common open space. Cottages that do not have a primary entrance that faces the common open space must either have their primary entrance face the street or a sidewalk or pedestrian path that is directly connected to the common open space. (6/23)
  3. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, or elsewhere on the development site. (6/22)
  4. Cottage cluster developments shall be limited to one cluster with one common space. (6/22)
- D. *Common space.* (6/22)
1. Common space is a defining characteristic of a cottage housing development. A minimum of 150 square feet of common open space per unit shall be provided. (6/22)
  2. The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area. (6/14)

3. The common space must be a minimum of 15 feet wide at its narrowest dimension. (6/22)
- E. *Frontage, access, parking, and vehicular circulation.* (6/14)
1. Frontage. The parent parcel shall have frontage on a public street. (6/14)
  2. If individual lots are created within the development, at least two sides of the common area shall be abutted by cottage child lots. (6/22)
  3. Access. Access to individual dwelling units will be provided meeting city and fire district standards. (6/14)
  - ~~4. Parking. A minimum of one off-street parking spaces per unit shall be provided. (6/22)~~
  5. Parking and/or garage structures shall not be located: (6/22)
    - a. Within 20 feet from any street property line, except alley property lines. (6/22)
    - b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys. (6/22)
  6. Shared parking structures and shared parking lots shall be screened from public streets by landscaping or architectural screening that is at least three feet tall. (6/22)
  7. If the property has frontage on a public alley, access and parking may be provided from the alley. (6/14)
  8. If individual lots are created, and shared parking is provided, parking and access shall be provided in a common area with access easement. (6/22)
  9. Individual off-street parking spaces may be allowed for each cottage. (6/22)
- F. *Screening and landscaping.* To ensure that cottage developments do not create adverse visual impacts for residents of both the cottage development and adjacent properties the following requirements shall be adhered to: (6/14)
1. Cottage developments shall retain existing significant trees (at least 12 inches in diameter) that do not pose a safety hazard, as determined by a certified arborist. Significant trees that are removed must be replaced elsewhere on the site, per section 2.309. (6/22)
  2. Common open spaces shall include pathways for pedestrian circulation and access to each cottage and the community building if one is provided. Landscaping in common open spaces must be located and maintained to not block pedestrian pathways. (6/22)
- G. *Fences.* No fence taller than three feet in height shall be located between the front wall of a cottage or community building and the common open space. (6/22)
- H. *Addressing.* All units within the cottage cluster development shall be addressed consistent with city standards. (6/14)

### **3.113. KEIZER STATION MASTER PLAN**

#### **Sec. 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 25 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 carpool 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 façades 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.* (6/10) 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. If an applicant is requesting such reallocation, the applicant shall comply with the following criteria: (9/18)
    - a. Does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA or that any resulting impacts can be mitigated in order to maintain the level of service and volume/capacity standards in the Keizer Station TIA; (9/18)
    - b. The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area; (6/10)
    - c. Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. (6/10)

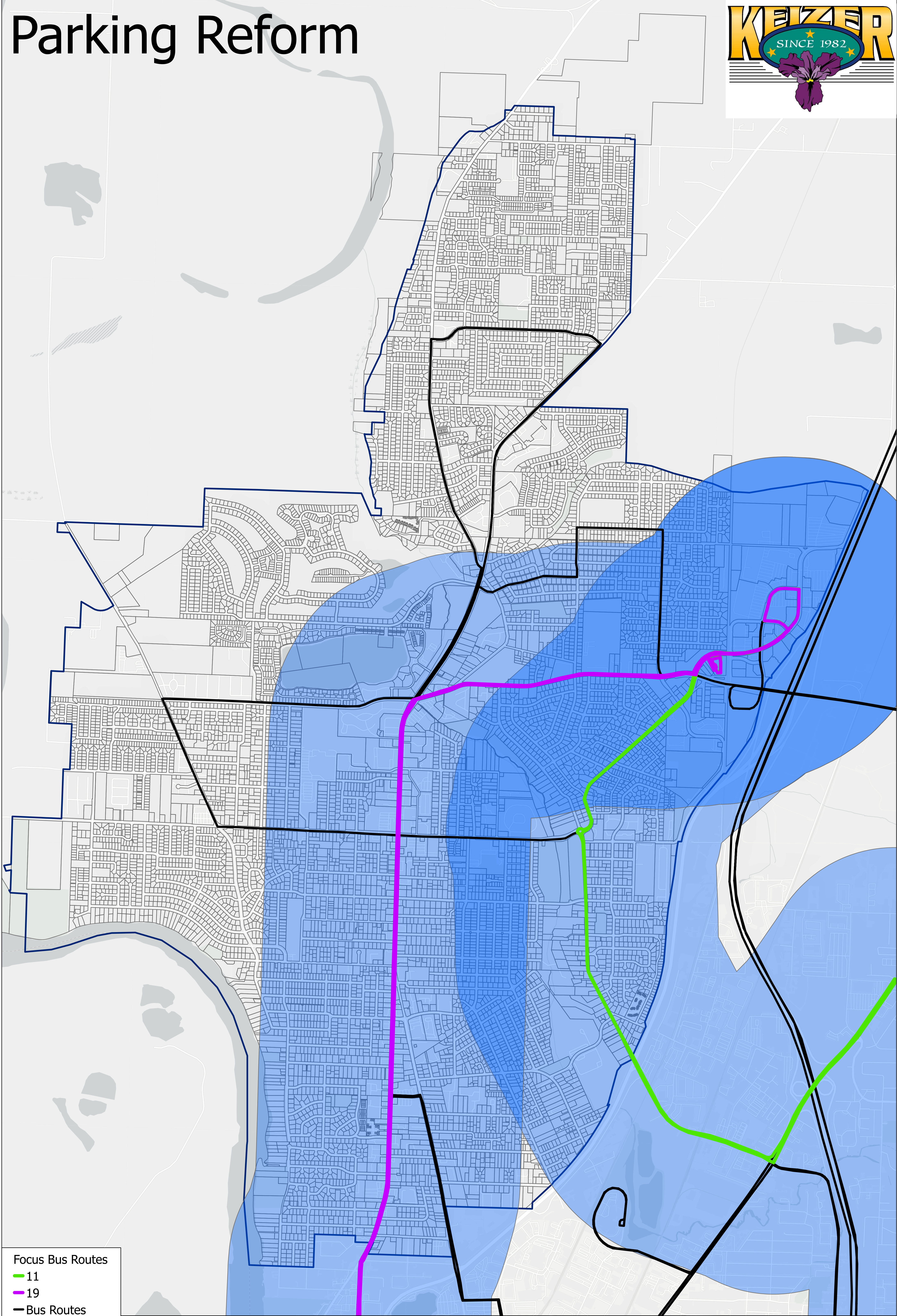


- d. Residents and/or property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. (6/10)
- e. Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation. (6/10)

A reallocation shall not reduce the amount of retail square footage allowed in an approved master plan for a different area without the amendment of the master plan for such different area. (9/18)



# Parking Reform



- Focus Bus Routes
- 11
  - 19
- Bus Routes
- Half Mile Buffer
- Parcels
- City Limits

Created: August 2022  
This product is provided as is, without warranty. Under no circumstances is the City of Keizer liable for damages from the use or misuse of this product. This product is subject to license and copyright limitations. Distribution, sale and/or resale is prohibited. This product is not intended to be used for navigation or navigational purposes. Inquiries regarding this product and/or its applicability or uses may be directed to [GISINFO@Keizer.org](mailto:GISINFO@Keizer.org).





To: Mayor Clark and City Council Members  
Thru: Adam J. Brown, City Manager  
From: Joseph Lindsay, City Attorney  
Subject: Purchase and Sale Agreement With Terra Firma Property Development LLC

---

### **Proposed Motion**

I move that the City Council adopt Resolution R2025-\_\_\_ Authorizing City Manager to Sign Purchase and Sale Agreement with Terra Firma Property Development LLC.

### **I. Summary**

On January 21, 2025, the City Council authorized the City Manager to sign a Letter of Intent with Terra Firma Property Development LLC for a portion of property in Keizer Station Area B near 2255 Lockhaven Dr. NE. Since that time, the City and Terra Firma have been negotiating the terms of the Purchase and Sale Agreement and have now reached agreement ready for Council approval. The sale of publicly owned property requires a public hearing which has been set for tonight's meeting.

### **II. Background**

- A. City staff began negotiating with Terra Firma Property Development in September 2024.
- B. On January 21, 2025, City Council authorized the City Manager to sign the Letter of Intent for the purchase of tax lots 063W36BC07900, 063W36BD07800, and 063W36BC06000.
- C. The southernmost piece is zoned mixed commercial. The two other pieces are zoned residential. The proposal of a mixed commercial development on the primary piece is consistent with the zoning.
- D. The City originally purchased the property in 1992 and has combined the property with several adjacent properties throughout the years. In addition, the property has benefited from several street related improvements.

### **III. Current Situation**

- A. Since the signing of the letter of intent, the parties have negotiated the terms of the

Purchase and Sale Agreement. The terms are as stated in the attached agreement.

- B. State statutes require a public hearing prior to the Council agreeing to enter into a sale of publicly-owned property. State statutes also requires "evidence of value" to be indicated. I have enclosed a letter from Powell Banz Valuation dated November 25, 2024 indicating that the land value is \$4,655,000 (Land Area A and B).

#### **IV. Analysis**

- A. **Strategic Impact** - This sale is consistent with a Council endorsed strategy of selling city-owned property to pay down the City's long-term Public Employee Retirement System (PERS) obligation.
- B. **Financial** - The purchase price is \$4,655,000. The street fund will be made whole in the amount of approximately \$935,700 (includes the street fund's share of the purchase price and related improvements).
- C. **Timing** - A public hearing is required to be held before approval of a purchase and sale agreement. Both staff and Terra Firma are interested in moving forward with the transaction.
- D. **Policy/Legal** - A public hearing is required to be held before approval of a purchase and sale agreement.

#### **V. Alternatives**

- A. Conduct the public hearing and adopt the attached Resolution.
- B. Direct staff to renegotiate amended terms.
- C. Take No Action and direct staff to discontinue negotiations.

#### **VI. Recommendation**

Staff recommends Council conduct the public hearing and take testimony. If there are no further questions, close the hearing and adopt the attached Resolution.

#### **Attachments**

1. ATT\_CC\_Appraisal Excerpt - Keizer Station Area B\_6 16 2025
2. RES\_CC\_Purchase and Sale Agreement with Terra Firma\_6 16 2025
3. EXH\_CC\_Purchase and Sale Agreement with Terra Firma\_6 16 2025

*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*



**POWELL BANZ**  
VALUATION

**VALUATION SERVICES**

Real Estate Appraisal  
Consulting  
Litigation  
Estate Planning  
Feasibility Analysis  
Rent Surveys

**PROPERTY TYPES**

Land  
Subdivisions  
Multi-Family  
Single-Family  
Industrial  
Office  
Medical  
Retail  
Public  
Religious  
Parks / Open Space  
Farms / Agricultural  
Specialty

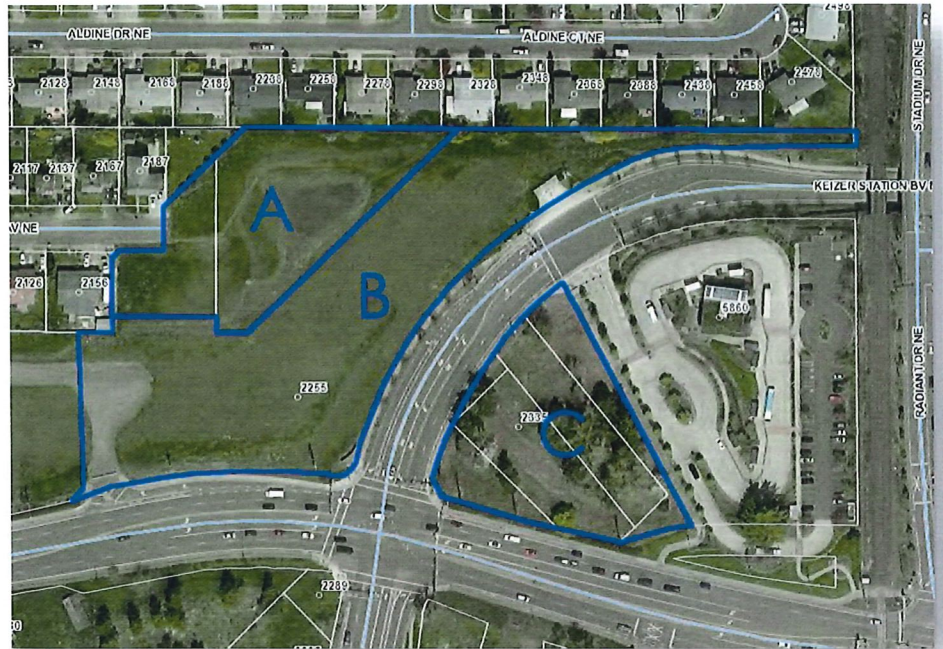
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Oregon  
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**Powell Banz Valuation, LLC**

1467 13<sup>th</sup> Street SE  
Salem, Oregon 97302  
(503) 371-2403 voice  
(503) 371-2613 fax  
[www.powellbanz.com](http://www.powellbanz.com)

**REAL ESTATE  
APPRAISAL REPORT**



Marion County GIS Aerial

**DEVELOPMENT LAND**

**A:** 5820 McLeod Lane NE  
**B:** 2255 Lockhaven Drive NE  
**C:** 2335 Chemawa Road NE  
Keizer, Oregon 97303

**PREPARED FOR**

City of Keizer  
c/o Adam Brown, City Manager  
PO Box 21000  
Keizer, Oregon 97307

**PREPARED BY**

Daniel P. Harms, MAI  
Katherine Powell Banz, MAI  
PBV File Number: P241343

**EFFECTIVE DATE OF VALUES**

"As Is" Date of Values: November 6, 2024

**POWELL BANZ VALUATION, LLC**



POWELL BANZ  
V A L U A T I O N

November 25, 2024

City of Keizer  
c/o Adam Brown, City Manager  
PO Box 21000  
Keizer, Oregon 97307

**RE: DEVELOPMENT LAND**  
**A:** 5820 McLeod Lane NE,  
**B:** 2255 Lockhaven Drive NE  
**C:** 2335 Chemawa Road NE  
Keizer, Oregon 97303

Dear Mr. Brown:

As requested, the captioned properties have been valued using generally accepted appraisal principles and practices. This appraisal report is intended to comply with the development and report requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) and the Appraisal Institute. A copy of the signed professional service agreement is included in the Addenda.

The subject properties are three parcels of residential and commercial/mixed use development land located at the intersection of Keizer Station Boulevard and Lockhaven Drive NE/Chemawa Road NE in Keizer, Marion County, Oregon. The parcels are identified herein as Subjects A, B, and C.

We have performed no services as appraisers or in any other capacity, regarding the properties that are the subject of this report within the three-year period immediately preceding acceptance of this agreement. However, portions of the properties were previously appraised by PBV in reports P201434, P201434B, and P141329.



Based upon our investigation and analysis of available information, the concluded values under the requested scenario, as of November 6, 2024, were:

| MARKET VALUE SCENARIOS – FEE SIMPLE | DATE                  | VALUE        |
|-------------------------------------|-----------------------|--------------|
| Subject A: "As Is" Market Value     | November 6, 2024      | \$ 655,000   |
| Subject B: "As Is" Market Value     | November 6, 2024      | \$ 4,000,000 |
| Subject C: "As Is" Market Value     | November 6, 2024      | \$ 1,905,000 |
| Estimated Marketing/Exposure Time   | One Year per Property |              |

The concluded value of Subject A is predicated on the **extraordinary assumption** that retaining wall easements encumber the northern 21' of the entirety of Subject A. This assumption may have affected the assignment results, and if determined to be false, the concluded value of Subject A will need to be revisited.

This appraisal is subject to the conditions and comments presented in this report. If any questions arise concerning this report, please contact the undersigned.

Sincerely,

**POWELL BANZ VALUATION, LLC**



Daniel P. Harms, MAI  
OR State Certified General Appraiser  
No. C001113  
Expiration Date: January 31, 2026



Katherine Powell Banz, MAI  
OR State Certified General Appraiser  
No. C000897  
Expiration Date: August 31, 2026

KPB: dph

Appraisal Report  
P241343

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2025-\_\_\_\_\_

4  
5 AUTHORIZING CITY MANAGER TO SIGN PURCHASE AND SALE  
6 AGREEMENT WITH TERRA FIRMA PROPERTY DEVELOPMENT  
7 LLC

8  
9 WHEREAS, City Council authorized the City Manager to sign a Letter of Intent  
10 with Terra Firma Property Development LLC with regard to a 4.66 acres of property  
11 located in Keizer Station Area B at approximately 2255 Lockhaven Drive North, Keizer,  
12 Oregon;

13 WHEREAS, the parties have negotiated a Purchase and Sale Agreement;

14 WHEREAS, a notice of hearing as provided in ORS 221.725 was completed and  
15 public hearing was held on June 16, 2025;

16 WHEREAS, the City Council enters the findings set forth below:

17 NOW, THEREFORE,

18 BE IT RESOLVED as follows:

19 Section 1. PUBLIC HEARING. A public hearing was held before the City Council on  
20 June 16, 2025. Notice of such hearing was published concerning the above referenced sale.

21 Section 2. FINDINGS. The notice requirements of ORS 221.725 have been complied  
22 with. The nature of the proposed sale and the general terms thereof, including other evidence of  
23 the market value of the property have been fully disclosed by the City Council at the public



1 hearing. Any resident of the city has been given an opportunity to present written or oral  
2 testimony at the hearing.

3 The property is zoned Commercial Mixed Use and Residential Single Family and is  
4 developable. The property is not necessary for City use. The subject property is useful to the  
5 proposed buyer in that it provides developable ground that is zoned appropriately for a mixed  
6 use concept and residential use.

7 Section 3. DECISION TO SELL. Following the public hearing, the City Council voted  
8 to sell the subject property to the buyer, on the terms set forth in the attached Purchase and Sale  
9 Agreement.

10 Section 4. AUTHORIZATION TO CITY MANAGER. The City Council hereby  
11 authorizes the City Manager to enter into the attached Purchase and Sale Agreement and to take  
12 all acts necessary to consummate the transaction as contemplated therein.

13 In addition, the City Manager is authorized to enter into amendments to the Agreement  
14 as necessary and appropriate, so long as the purchase price is not amended without formal  
15 Council approval.

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

18 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

19

20 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

21

22

23

\_\_\_\_\_  
Mayor

24

25

26

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

## PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT is entered into on \_\_\_\_\_, 2025 (last date of execution), by and between the City of Keizer, an Oregon municipal corporation (“*Seller*”), and Terra Firma Property Development LLC, an Oregon limited liability company (“*Purchaser*”).

### RECITALS

**A.** Seller owns certain real property located in Keizer, Marion County, Oregon, as more particularly described in Section 1 below (the “*Property*”).

**B.** Purchaser desires to acquire all the Property from Seller, and Seller is willing to sell and convey all the Property to Purchaser, on and subject to the terms of this Agreement (the “*Agreement*”).

### AGREEMENT

**1. Purchase and Sale of the Property.** Seller agrees to sell the Property to Purchaser, and Purchaser agrees to purchase the Property from Seller, on the terms and conditions set forth in this Agreement. The Property consists of:

(a) The land described in Exhibit “A” attached hereto and all easements, rights, strips, gores, rights-of-way, and any other rights or interests appurtenant thereto.

**2. Purchase Price.** The total purchase price for the Property is \$4,655,000.00.

**3. Earnest Money Deposit.** Within three business days of the execution of this Agreement by all parties (herein referred to as the “*Effective Date*”), Purchaser shall deliver to Fidelity National Title and Escrow Insurance Company (the “*Escrow Agent*”) in Salem, Oregon a cash sum in the amount of \$50,000.00 as earnest money (the “*Deposit*”).

**4. Payments.**

**4.1 Payment of Purchase Price.** The purchase price must be paid to the City of Keizer by Purchaser in all cash by wire transfer on the Closing Date (as defined in Section 10.1); subject to application of the Deposit and the adjustments and credits as provided in this Agreement.

**4.2 Payment of Off-Site Transportation Costs.** No sooner than when public improvement construction permits are issued to Purchaser or building permits are issued to Purchaser, whichever occurs first, Purchaser shall pay to the City of Keizer Purchaser’s contribution to the off-site transportation costs for Keizer Station Area B. The estimated amount based on the current master plan which may be amended is \$18,090.00. Seller shall be solely responsible for the cost of construction of off-site transportation improvements and shall hold Purchaser harmless therefrom.

**4.3 Contribution to Water Tower Assessment.** No sooner than when public improvement construction permits are issued to Purchaser or building permits are issued to Purchaser, whichever occurs first, Purchaser shall pay to the City of Keizer Purchaser's contribution to the cost of construction of the water tower allocated to Keizer Station Area B. The estimated amount based on the current master plan which may be amended is \$47,796.07.

**4.4 Development of Property.** Nothing contained herein shall be interpreted as requiring Seller to pay any costs for utility connections to serve the Property (even if the utilities originate off-site) or costs and fees related only to improvement of the Property. For example, and not limiting the intent of this paragraph, Purchaser shall pay all applicable permit fees, system development charges, and development costs solely attributable to the Property. Purchaser shall pay costs of installing and maintaining required trees and other landscaping on the Property. The Property is currently subject to a master plan approval order and development is subject to complying with the conditions stated therein.

**4.5 Stormwater Facilities and Conditions/Restrictions.** Following Seller's completion of the stormwater facility in accordance with all applicable codes and regulations, if required by the final master plan, Purchaser shall pay its prorata share of the costs of maintaining the stormwater facility along with the remaining properties in Area B West of Keizer Station Boulevard ("Area B West"). Currently the Property is subject to the master plan approval and its conditions relating to the stormwater facilities.

**4.6 Operation and Easement Agreement.** Following closing, the parties agree to enter into commercially-reasonable form of common-area Operation and Easement Agreement or common-area Covenants, Conditions and Restrictions, if required by the final master plan. Any owner in the Area B West area would be parties to this agreement. The agreement would cover the essentials of cross-easements, parking agreements, common-area operations, landscaping, maintenance, and the sharing of the cost and obligations to maintain the stormwater facility, sign obstructing wall and other shared improvements among the Area B West properties, as provided in the final master plan. The Property is currently subject to the master plan approval and its conditions relating to the common-area.

**5. Title to the Property.** Within five (5) days after the Effective Date, Seller will order a preliminary title report from the Escrow Agent with respect to the Property ("*Title Report*"). The Title Report must be accompanied by legible copies of all special exceptions listed therein. A supplemental preliminary title report may be requested by either party during the term of this Agreement. Purchaser shall have until ten (10) business days following delivery of such Title Report to Purchaser to deliver an objection notice to Seller setting forth any objections to any exceptions contained therein or amended Title Report, if any. Thereafter, Seller shall have ten (10) business days after receipt of such notice to give Purchaser: (a) written notice that Seller shall use all commercially reasonable efforts to remove title matters to which Purchaser objects in its notice on or before Closing; or (b) written notice that Seller elects not to cause such title matters to be removed. If Seller gives Purchaser notice under clause (b), Purchaser shall have five (5) business days to elect to proceed with the purchase or terminate this Agreement. If Purchaser shall fail to give Seller written notice of its election within said five (5) business days,

Purchaser shall be deemed to have elected to proceed with the transaction contemplated under this Agreement. If Purchaser notifies Seller in writing in a timely fashion of its election to not proceed with the transaction contemplated hereunder, the Deposit and all interest earned thereupon shall be returned to Purchaser and thereafter neither Party shall have any further obligations hereunder except as provided elsewhere herein. If Seller gives notice under clause (a) above and fails to remove all the objections prior to the Closing and Purchaser is unwilling to accept title subject to such objections in its sole and absolute discretion, Purchaser shall have, as its right and remedy on account of such failure by Seller, the right to terminate this Agreement, in which event the Deposit and all interest earned thereupon shall be returned to Purchaser.

**6. Land Use Schedule.** Purchaser shall pursue approval of a text amendment, if needed to the City Code, a Keizer Station Area B Master Plan amendment, if required, including the traffic impact analysis and other transportation studies, and completion of a lot line adjustment/partition/subdivision to create the legal lot(s) or parcel(s), with Seller's assistance on the schedule set forth on *Exhibit "B"*, attached hereto and by this reference made a part hereof (the "*Land Use Application Schedule*"). The costs of any and all land use actions is the responsibility of the Purchaser. Purchaser may be able to share the costs involved with these actions with an adjacent developer if agreed to between the parties. If any of the deadlines set forth in the Land Use Application Schedule is not reached, either party may terminate this Agreement and, if so terminated, the earnest money shall be refunded to Purchaser and this Agreement shall be null and void.

## **7. Seller's Representations**

**7.1 Content of Representations.** Seller represents to Purchaser as follows:

(a) **No Notice of Violation of Zoning and Other Laws.** Seller has not received any written notice from any governmental authority alleging that any improvements on the Property violate any building codes, building or use restrictions, or zoning ordinances, rules, or regulations.

(b) **No Litigation.** To Seller's knowledge, there is no pending or threatened litigation or administrative action or claim with respect to the Property.

(c) **No Condemnation.** To Seller's knowledge, there is no pending or contemplated eminent domain, condemnation, or other governmental taking of the Property or any portion thereof.

(d) **No Government Obligations.** To Seller's knowledge, there are no unperformed obligations that are currently due relative to the Property to any governmental or quasi-governmental body or authority, except for obligations under the Keizer Station Area B Master Plan Order and any associated amendments or subsequent land use decisions thereto. See Subsection (e) below.

(e) **Utility Transportation, Off-site Requirements.** The Property is subject to all requirements and conditions of the Master Plan approval for Keizer Station – Area B. Purchaser understands and agrees that the Property must be connected to all appropriate utilities and all conditions applicable to the Property set forth in the Master Plan Order must be complied with as set forth in such Order and any amendments thereto. This includes, but is not limited to any utility infrastructure and off-site improvements that may be required.

(f) **Authority of Seller.** Seller's execution of, delivery of, and performance under this Agreement are undertaken according to authority validly and duly conferred on Seller and the signatories hereto.

(g) **No Breach of Agreements.** This Agreement and the consummation of the transaction evidenced by this Agreement do not violate any other agreement to which Seller is a party.

(h) **Nonforeign Status.** Seller is not a "foreign person" as defined in IRC §1445(f)(3), and Seller is not a "transferor" as defined in ORS 314.258(2)(b).

(i) **Contracts.** There are no outstanding contracts made by Seller with respect to the Property that have not been fully performed or paid for, as the case may be, and Seller will cause to be discharged all mechanics' or materialmen's liens arising from any labor or materials furnished to the Property. Seller will identify all contracts with respect to the Property (including service contracts and maintenance agreements), if any, and provide a detailed list to Purchaser in writing prior to closing. Seller has not previously sold, transferred or conveyed the Property and Seller has not entered into any executory contracts for the sale of the Property, nor do there exist any rights of first refusals or options to purchase the Property.

(j) **Marketability.** Seller is the sole owner of the Property in fee simple free and clear of any right to or claim of possession by any other party.

(k) **Leases.** There are no existing leases or occupancy agreements or other agreements for the use of the Property.

(l) **Hazardous Materials.** To Seller's knowledge, the Property never has been in violation of, or subject to any existing or pending investigation under, any Environmental Law, nor does Seller have any knowledge of any threatened investigation under any Environmental Law, and Seller has not received any written report, notice or other information, or otherwise been advised under Oregon law or any other applicable, local, state or federal law, regarding Hazardous Materials on, under or affecting the Property or requiring the removal of any Hazardous Materials from the Property, of possible liability of any person or entity pursuant to any Environmental Law, or of any actual administrative or judicial proceedings in connection with any of the foregoing.

For the purposes of this Agreement, the following terms have the following meanings:

(A) “**Environmental Law**” means any federal, state or local law, statute, ordinance, order, permits, licenses, approvals, authorization or regulation pertaining to health, industrial hygiene or the environment including, but not limited to: CERCLA (Comprehensive Environmental Response, Compensation and Liability Act of 1980), RCRA (Resources Conservation and Recovery Act of 1976), and common law tort principles applicable thereto (including nuisance and trespass).

(B) “**Hazardous Material**” means any substance, material or waste which is classified or regulated as being “toxic” or “hazardous,” or a “pollutant” or which is similarly designated, classified or regulated, under any Environmental Law.

**7.2** *Seller’s Knowledge.* In each event in which any representation of Seller is limited “to Seller’s knowledge” or similar phrase, that knowledge must include only the actual, personal knowledge (and not the implied, imputed, or constructive knowledge) of the City Manager of the City of Keizer, without any investigation or inquiry whatsoever.

**7.3** *Effect of Purchaser’s Knowledge.* Purchaser agrees that in the absence of an intent on the part of Seller to fraudulently conceal information about the Property or fraudulently mislead Purchaser, Purchaser will not have the right to rely on any representation of Seller, and Seller will not be liable for any breach of any such misrepresentation, if and to the extent Purchaser is given access to data or information relating to the Property before the Closing Date that reveals, or Purchaser’s tests or inspections before the Closing Date reveal, or Purchaser otherwise knows before the Closing Date of any information that reveals the representation to be incorrect, and in any of such events Purchaser nevertheless elects to close this purchase.

## **8. Purchaser’s Representations**

Purchaser represents, warrants, and covenants to Seller as follows:

**8.1** *Purchaser’s Existence and Authority.* Purchaser is a validly existing and duly organized limited liability company under the laws of the State of Oregon and has the full right and authority to conduct its business under the laws of the state of Oregon.

**8.2** *No Third-Party Consents.* The execution of this Agreement by Purchaser and Purchaser’s performance of all its obligations hereunder are not subject to any approval or consent of any person, board, committee, or third party.

**8.3** *No Litigation.* Purchaser is not a party to any litigation or civil or criminal proceedings; no petitions in bankruptcy have been filed by or against Purchaser; and none of Purchaser’s assets are currently subject to any insolvency, receivership, or foreclosure proceedings.

**8.4** *No Breach of Agreements.* This Agreement does not breach or violate any term or provision of any other agreement or contract to which Purchaser is a party.

## 9. Conditions to Closing

**9.1 Purchaser's Conditions.** Purchaser acknowledges that Seller does not guarantee the satisfaction of the conditions precedent listed in this Section 9.1 and that Seller's failure to satisfy the conditions (for any reason other than Seller's bad faith) will not be deemed to be a default hereunder but will merely be a failure of a condition to closing, in which event Purchaser's sole remedy will be to (1) waive the condition(s) and any claim against Seller with respect thereto, including, without limitation, as provided in Section 7.3, or (2) terminate this Agreement and receive a refund of the Deposit. Furthermore, at Seller's election, Seller will be permitted to extend the Closing Date for any period of time up to thirty (30) days to satisfy any of the conditions set forth in this Section 9.1. Purchaser's obligation to close this transaction is subject to the satisfaction of each of the following conditions:

- (a) Purchaser's approval of the preliminary title report pursuant to Section 5.
- (b) Purchaser's approval of the suitability of the Property for Purchaser's intended use and/or otherwise reasonably related to the purchase of the Property including without limitation the economic feasibility of such purchase. Seller shall permit Purchaser and its agents, at Purchaser's sole expense and risk, to enter the Property at reasonable times after reasonable prior notice to Seller to conduct any and all inspections, tests, and surveys concerning hazardous materials, soils conditions, wetlands, and all other matters Purchaser may elect affecting the suitability of the Property. Purchaser shall indemnify, hold harmless, and defend Seller from all liens, costs, and expenses, including reasonable attorneys' fees and experts' fees, arising from or relating to Purchaser's entry on and inspection of the Property. This agreement to indemnify, hold harmless, and defend Seller shall survive closing or any termination of this Agreement. This condition shall be deemed satisfied or waived unless Purchaser delivers written notice to Seller of the failure of this condition within one hundred and twenty (120) days of the Effective Date.
- (c) Purchaser's reasonable acceptance of any matters disclosed by the documents listed below. Within fifteen (15) days after the execution date, Seller shall deliver to Purchaser, at Purchaser's address shown above, legible and complete copies of the following documents and any other items relating to the ownership, operation, and maintenance of the Property, to the extent now in existence and to the extent such items are within Seller's possession or control: Surveys, Environmental Reports, Geotechnical Reports, Wetlands Assessments, Site Plans, Engineering Studies, Zoning documents related to the Property, and any other documents affecting the future development of the Property. In the event Seller receives any additional document related to the Property between the execution date and the Closing Date, Seller shall provide such document to Purchaser for review and approval. Such document shall be provided within five (5) days of receipt by Seller. Purchaser is entitled to have a Phase 1 environmental study completed at Purchaser's expense. If any environmental issues are discovered in Purchaser's Phase I report or asbestos survey, Purchaser shall provide a copy of the report to Seller for Seller's review. Seller shall be responsible for any further testing and remediation that may be required. This condition shall be deemed satisfied or waived unless Purchaser delivers written notice to Seller of the failure of this condition within one hundred and twenty (120) days

of the Effective Date. However, as to any document Seller receives after the end of such period, this condition shall be extended for a period of fourteen (14) days after Purchaser's receipt of such document.

(d) Purchaser's reasonable acceptance of the final Order approving the Keizer Station Area B Master Plan/Subdivision, including, without limitation, the required conditions for construction of Purchaser's improvements on the Property, and any required covenants, conditions, restrictions and easements that will encumber the Property. Purchaser may withhold its acceptance for any good faith reason, including, but not limited to, lack of adequate ingress/egress to and from the Property, adoption of uses or standards reasonably undesirable to Purchaser, or the cost of on- or off-site improvements. This condition shall be deemed satisfied or waived unless Purchaser delivers written notice to Seller of the failure of this condition within thirty (30) days of the date such Order becomes final, including the exhaustion of appeals, if any (the "**Order Condition**").

Without limiting Purchaser's discretion in approving the conditions described in this Section 9.1, Purchaser understands and agrees that the Property is subject to the requirements of the Keizer Station Plan, including, without limitation the requirement that a twenty (20) foot landscape buffer be included on the north side of the Property. In addition, there will be a common access driveway on the Property for Area B and cross-easements described herein and in the master plan approval.

(e) Purchaser obtaining financing on terms and conditions reasonably acceptable to Purchaser. This condition shall be deemed satisfied or waived unless Purchaser delivers written notice to Seller of the failure of this condition within one hundred and twenty (120) days of the Effective Date.

(f) **Seller's Compliance.** Seller's fulfillment of each of its obligations under this Agreement in all material respects.

(g) **Seller's Representations.** The continuing accuracy of all Seller's representations in this Agreement in all material respects.

(h) **Title Insurance.** The Title Company must be ready, willing, and able to issue an owner's policy of title insurance in the amount of the Purchase Price, as set forth in the Title Report.

The foregoing conditions are for the benefit of Purchaser and may be waived, in whole or in part, by Purchaser only. If Purchaser gives written notice of failure of any condition as stated above, this Agreement shall be terminated, in which event the Deposit shall be refunded to Purchaser.

**9.2 Seller's Conditions.** Seller's obligation to close this transaction is subject to the satisfaction of each of the following conditions:



(a) Passage by the Keizer City Council of a resolution authorizing the sale, following the statutory public hearing required for sale of publicly owned property. This condition shall be deemed satisfied or waived unless Seller delivers written notice to Purchaser of the failure of this condition within sixty (60) days of the Effective Date.

(b) Delivery by Purchaser and reasonable acceptance by Seller of preliminary and conditional loan commitment from Purchaser's lender. This condition shall be deemed satisfied or waived unless Seller delivers written notice to Purchaser of the failure of this condition within one hundred and thirty (130) days of the Effective Date.

(c) **Purchaser's Compliance.** Purchaser's fulfillment of each of its obligations under this Agreement.

(d) **Purchaser's Representations.** The continuing accuracy of all Purchaser's representations in this Agreement.

The foregoing conditions are for the benefit of Seller and may be waived, in whole or in part, by Seller only. Any waiver must be in writing. Unless waived, if any condition is not satisfied by the date specified, this Agreement shall be terminated, in which event the Deposit shall be refunded to Purchaser.

## **10. Closing**

**10.1 Closing Date.** This transaction will be closed on or before one hundred and eighty (180) days after the date of this Agreement (the "**Closing Date**"). Each party may extend the Closing Date one (1) time by up to seven (7) days if the extension is required by illness, transportation delays, the unavailability of the Escrow Agent, or other causes beyond the party's reasonable control. In addition, Purchaser may extend the Closing Date until ten (10) days after the Order Condition is satisfied, at any time upon written notice delivered to Seller before the Closing Date.

**10.2 Manner and Place of Closing.** This transaction will be closed by the Escrow Agent in Salem, Oregon, or at such other place as the parties may mutually agree to in writing. Closing will take place in the manner and in accordance with the provisions set forth in this Agreement.

### **10.3 Prorations, Adjustments.**

(a) All ad valorem real property taxes, assessments, and utility expenses (collectively, the "**Expenses**") will be prorated and adjusted between the parties as of the Closing Date. At closing, Purchaser will be given a credit against the purchase price equal to the sum of all accrued but unpaid Expenses and Purchaser will pay to Seller all prepaid but not yet accrued Expenses. Taxes or additional penalties that would be due as a result of removal of the Property from any tax deferral or special use assessment program, if any, will be assumed by Purchaser.

(b) Purchaser will pay the recording fees for Seller's deed.

(c) Purchaser will reimburse Seller for one-half (1/2) of the premium for owner's title insurance policy in favor of Purchaser in the amount of the purchase price.

(d) Seller and Purchaser will each pay one-half of the escrow and closing fees charged by the Escrow Agent.

(e) Purchaser will pay all costs and expenses related to Purchaser's financing.

(f) Each party will pay its own attorney fees.

**10.4** *Events of Closing.* If the Escrow Agent has received the sums and is in a position to cause the title insurance policy to be issued as described below, this transaction will be closed on the Closing Date as follows:

(a) Seller will convey the real property to Purchaser by Statutory Warranty Deed, subject to the matters accepted or deemed accepted by Purchaser as set forth in the Title Report.

(b) Seller will provide Purchaser with (i) the Certificate of Nonforeign Status as provided in IRC §1445(b)(2) and (ii) a certificate or other documentary evidence complying with ORS 314.258 that is reasonably acceptable to Purchaser and the Escrow Agent and sufficient to assure Purchaser and the Escrow Agent that no withholding is required under ORS 314.258.

(c) The Escrow Agent will calculate the prorations agreed to herein, and the parties will be charged and credited accordingly.

(d) Any liens to be paid by Seller at closing will be paid and satisfied of record at Seller's expense.

(e) Purchaser will pay the entire purchase price to Seller in cash, minus the Deposit, as adjusted for the charges and credits set forth in this Agreement.

(f) The Escrow Agent will be committed to issuing the policy described in Section 10.5 upon recordation of the closing documents.

(g) Upon compliance with the parties' closing instructions, the Escrow Agent will record the deed to Purchaser at Purchaser's expense.

**10.5** *Title Insurance.* As soon as possible after the Closing Date, the Escrow Agent will furnish Purchaser an owner's policy of title insurance in the amount of the purchase price for the Property, subject only to the Escrow Agent's standard preprinted exceptions and exclusions for the form and except for the matters accepted or deemed accepted by Purchaser under this Agreement.

**10.6** *Possession.* Seller will deliver possession of the Property to Purchaser on the Closing Date.

**10.7 Acceptance of Property.** Purchaser acknowledges that Purchaser has assessed, or has had the opportunity to assess, the size, configuration, utility service, environmentally sensitive areas, means of access, permitted uses, status of title, value, condition, and all other material aspects of the Property, and, except as specifically stated herein, Purchaser is not relying on, nor has Purchaser been influenced by, any statement or representation of Seller or any agent or representative of Seller regarding any of such items. Except for any actionable breaches of Seller's representations contained herein, Purchaser's acceptance of the Property and the satisfaction or waiver of all Purchaser's conditions to closing will be evidenced solely by the closing of this transaction and without any other act or confirmation by Purchaser. Purchaser does not have the option to close this transaction without accepting the Property in its then current condition, and Purchaser acknowledges that except for any Seller's breach of an express representation stated in this Agreement, Purchaser is acquiring the Property "AS IS, WHERE IS" in its current condition existing as of the Closing Date, without any representation or warranty of any kind or nature by Seller.

**10.8 Indemnification.** Purchaser will defend, indemnify, and hold harmless Seller from and against all actions, claims, losses, liabilities, damages, costs, and expenses (including without limitation reasonable attorney fees) that are caused by Purchaser's failure to perform any obligation for which Purchaser is responsible in accordance with the terms of this Agreement. Seller will defend, indemnify, and hold harmless Purchaser from and against all third-party claims for any breach of Seller's representation set forth in this Agreement and for premises liability regarding any injury or damage to the third party or its property that occurred on or about the Property before the Closing Date, except for any incidents or events connected with Purchaser's inspections pursuant to Section 9.1(b) of this Agreement.

**10.9 Seller Held Harmless as Municipal Government.** Purchaser agrees and understands that Seller's responsibility and obligations under this Agreement do not and cannot bind Seller as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Purchaser's operation of the Property in any manner whatsoever, Purchaser agrees that enforcement in good faith of any lawful ordinances or regulations or any other acts Seller may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Seller may take in its role as municipal government shall not be restricted by the fact that Seller entered into this Agreement. However, nothing in this Section shall be interpreted to permit Seller to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Purchaser or the established duties and obligations of Seller as a municipal body. If this transaction fails to close due to Seller's responsibilities or obligations as a municipal corporation as described herein, Purchaser may terminate this Agreement and receive a refund of the Deposit. This provision shall survive closing or termination of this Agreement and shall not merge with the deed.

## **11. Defaults and Failure to Close**

**11.1 Seller's Remedies.** In the event that this transaction fails to close on account of a default by Purchaser under this Agreement, the Deposit will be forfeited by Purchaser and

retained by Seller as liquidated damages as Seller's sole remedy for the default. SUCH AMOUNT HAS BEEN AGREED BY THE PARTIES TO BE REASONABLE COMPENSATION AND THE EXCLUSIVE REMEDY FOR PURCHASER'S DEFAULT, SINCE THE PRECISE AMOUNT OF SUCH COMPENSATION WOULD BE DIFFICULT TO DETERMINE.

**11.2** *Purchaser's Remedies.* If this transaction fails to close on account of a default by Seller under this Agreement, Purchaser's sole and exclusive remedy will be the return of the Deposit, and recovery from Seller of Purchaser's out-of-pocket expenses in conducting any investigations (with Purchaser thereby waiving any other remedy that Purchaser may have against Seller at law or in equity, including without limitation the right to specific performance).

**11.3** *Defaults.* Except for (a) Purchaser's failure to pay any portion of the Deposit as and when due hereunder or (b) either party's wrongful failure to close or satisfy a condition to closing by the required Closing Date, neither party will be deemed in default under this Agreement unless the party is given written notice of its failure to comply with this Agreement and the failure continues for a period of ten (10) days after the date the notice is given. This section will not be construed as extending the time by which any notice or contingency waiver must be given.

**11.4** *Costs and Attorney Fees.* If suit, action, arbitration, or mediation is instituted to interpret or enforce the terms of this Agreement or with respect to any dispute under this Agreement, the prevailing party is entitled to recover from the other party the sum that the court, arbitrator, or mediator may adjudge reasonable as costs and expert witness and attorney fees in any such proceeding, at trial, on any appeal or petition for review, and in any bankruptcy proceeding (including the adjudication of any issues peculiar to bankruptcy law), in addition to all other sums provided by law.

**11.5** *Waiver of Jury Trial.* AS PART OF THE CONSIDERATION FOR THIS AGREEMENT, EACH OF THE PARTIES HERETO WAIVES THE RIGHT TO TRIAL BY JURY IN CONNECTION WITH ANY DISPUTE OR ACTION UNDER THIS AGREEMENT.

## **12. Legal Relationships**

**12.1** *Relationship of Parties.* This Agreement creates only the relationship of Seller and Purchaser, and no joint venture, partnership, or other joint undertaking is intended hereby. Neither party hereto will have any rights to make any representations or incur any obligations on behalf of the other. Neither party has authorized any agent to make any representations, admit any liability, or undertake any obligation on its behalf. Neither party is executing this Agreement on behalf of an undisclosed principal.

**12.2** *No Third-Party Beneficiaries.* No third party is intended to be benefited or afforded any legal rights under or by virtue of this Agreement.

**12.3 Joint and Several Liability.** If either party comprises more than one person or entity, the obligations of each person or entity comprising such party under this Agreement will be joint and several.

**12.4 Real Estate Brokers.** Purchaser agrees to pay a real estate broker's commission to Tradition Real Estate Partners ("**Broker**") under the terms of a separate written listing agreement between Purchaser and Broker. Each party warrants to the other party that, except for Broker, no broker or agent was consulted or engaged in connection with this transaction, and each party will indemnify, defend, and hold harmless the other from and against all claims, losses, and liabilities made or imposed for any commission or finder's fee to any broker or agent (other than Broker) and arising out of the actions of such party.

**12.5 Indemnified Parties.** Any indemnification contained in this Agreement for the benefit of a party will extend to the party's members, directors, shareholders, officers, employees, and agents.

**12.6 Assignments and Successors.** Purchaser may not assign or otherwise transfer this Agreement or any interest herein, voluntarily, involuntarily, or by operation of law, without the prior written consent of Seller in each instance, which consent will not be unreasonably withheld. Purchaser will not be released from its obligations under this Agreement in the event of any assignment or transfer by Purchaser. Subject to the foregoing, this Agreement will bind and inure to the benefit of the parties hereto and their respective successors and assigns.

### **13. General Provisions**

**13.1 Notices.** Notices under this Agreement must be in writing and, if personally delivered or sent by facsimile, will be effective when received. If mailed, a notice will be deemed effective on the second day after deposited as registered or certified mail, postage prepaid, directed to the other party. Notices must be delivered, mailed, or sent by facsimile to the following addresses and telephone numbers:

**Seller:** City of Keizer  
930 Chemawa Road NE  
PO Box 21000  
Keizer, OR 97307  
Attn: Adam J. Brown  
Facsimile No.: 503-393-9437

*With a copy to:*  
Joseph A. Lindsay  
PO Box 21000  
Keizer, OR 97307  
Facsimile No.: 503-856-3434

**Purchaser:** Terra Firma Property Development LLC  
360 Belmont St. NE

Salem, OR 97301  
Attn: Terence C. Blackburn

*With a copy to:*  
Oregon Law Group, P.C.  
1675 SE Marlow Ave., Suite 404  
Portland, OR 97225  
Attn: Elia Popovich

Either party may change its address for notices by at least fifteen (15) days' advance written notice to the other.

**13.2** *Time of Essence.* Except as otherwise specifically provided in this Agreement, time is of the essence for each and every provision of this Agreement.

**13.3** *Invalidity of Provisions.* If any provision of this Agreement, or any instrument to be delivered by Purchaser at closing under this Agreement, is declared invalid or is unenforceable for any reason, the provision will be deleted from the document and will not invalidate any other provision contained in the document.

**13.4** *Neutral Construction.* This Agreement has been negotiated with each party having the opportunity to consult with legal counsel and will be construed without regard to which party drafted all or part of this Agreement.

**13.5** *Captions.* The captions of the sections and paragraphs in this Agreement are used solely for convenience and are not intended to limit or otherwise modify the provisions of this Agreement.

**13.6** *Waiver.* The failure of either party at any time to require performance of any provision of this Agreement will not limit the party's right to enforce the provision. Waiver of any breach of any provision will not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

**13.7** *Subsequent Modifications.* This Agreement and any of its terms may be changed, waived, discharged, or terminated only by a written instrument signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.

**13.8** *Saturdays, Sundays, and Legal Holidays.* If the time for performance of any of the terms, conditions, and provisions hereof falls on a Saturday, Sunday, or legal holiday, then the time of the performance will be extended to the next business day thereafter.

**13.9** *Venue.* In any action brought to interpret or enforce any of the provisions of this Agreement, the venue will be in Marion County, Oregon.

**13.10 *Applicable Law.*** This Agreement will be construed, applied, and enforced in accordance with the laws of the state of Oregon. All sums referred to in this Agreement will be calculated by and payable in the lawful currency of the United States.

**13.11 *Entire Agreement.*** This Agreement constitutes the entire agreement of the parties with respect to the Property and supersedes and replaces all written and oral agreements previously made or existing between the parties.

**13.12 *No Offer.*** By providing an unexecuted copy of this Agreement to any person, neither party is deemed to have made an offer to sell or purchase or otherwise indicated its willingness to enter into any transaction with respect to the Property, and this Agreement will not be binding on any party unless and until it has been fully executed and delivered by Seller and Purchaser.

**13.13 *No Recording.*** Neither this Agreement nor any memorandum or short form thereof may be recorded.

**13.14 *Counterparts.*** This Agreement may be executed simultaneously or in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same contract.

**13.15 *Facsimile Copies.*** Either party may rely on facsimile copies of this Agreement to the same extent as the originals.

**13.16 *Statutory Warning (ORS 93.040(2)).*** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

**13.17 Assignment.** Purchaser may assign this Agreement before the Closing Date to an entity controlled by, or under common control with, Purchaser, upon five (5) days advance written notice to Seller.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

**SELLER:**

**CITY OF KEIZER, an Oregon Municipal Corporation**

By: \_\_\_\_\_

Printed Name: Adam J. Brown

Its: City Manager

Date Executed: \_\_\_\_\_

**PURCHASER:**

**TERRA FIRM PROPERTY DEVELOPMENT LLC**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date Executed: \_\_\_\_\_





AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4353-21

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

## EXHIBIT A

### Resultant Property 1

A tract of land located in the Northwest One-Quarter of Section 36, Township 6 South, Range 3 West, Willamette Meridian, Marion County, City of Keizer, Oregon and being more particularly described as follows:

Beginning at the southeast corner of Lot 7, Block 1 of the Plat of "Friendship Addition"; thence along the southerly line of Deed Reel 3400 Page 372, North 45°06'07" East 91.76 feet; thence leaving said southerly line, South 00°00'21" East 206.96 feet; thence South 89°53'04" West 135.33 feet to the easterly line of Lot 1, Block 2 of said Plat; thence along said easterly line, North 00°09'34" East 73.22 feet to the southeasterly line of Deed Reel 948 Page 467; thence along said southeasterly line, North 45°11'00" East 13.10 feet to the southerly right-of-way line of Dennis Ray Avenue (30.00 feet from the centerline); thence along said southerly right-of-way line, North 89°59'38" East 60.82 feet to the easterly right-of-way line of Dennis Ray Avenue; thence along said easterly right-of-way line, North 00°00'22" West 60.00 feet to the Point of Beginning.

The above described tract of land contains 17,094 square feet, more or less.

11/15/2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael S. Kalina*

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/17

Exhibit A  
Page 1 of 4 Page



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4353-21

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

## EXHIBIT B

Resultant Property 2

A tract of land located in the Northwest One-Quarter of Section 36, Township 6 South, Range 3 West, Willamette Meridian, Marion County, City of Keizer, Oregon and being more particularly described as follows:

Beginning at the southeast corner of Lot 7, Block 1 of the Plat of "Friendship Addition"; thence along the southerly line of Deed Reel 3400 Page 372, North 45°06'07" East 91.76 feet to the True Point of Beginning; thence continuing along said southerly line, North 45°06'07" East 52.81 feet to the southerly line of the Plat of "Northtree Estates"; thence along said southerly line, South 89°56'48" East 277.81 feet; thence leaving said southerly line, South 46°10'48" West 381.13 feet; thence South 89°53'02" West 40.20 feet; thence North 00°00'21" West 226.96 feet to the True Point of Beginning.

The above described tract of land contains 1.06 acres, more or less.

11/15/2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/17

Exhibit A  
Page 2 of 4



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4353-21

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

## EXHIBIT C

### Resultant Property 3

A tract of land located in the Northwest One-Quarter of Section 36, Township 6 South, Range 3 West, Willamette Meridian, Marion County, City of Keizer, Oregon and being more particularly described as follows:

Beginning at the southeast corner of the Plat of "Northtree Estates", also being on the westerly right-of-way line of the Burlington Northern Railroad (25.00 feet from the centerline); thence along said westerly right-of-way line, South 00°38'14" East 18.58 feet to the northerly right-of-way line of Keizer Station Boulevard (47.25 feet from the centerline); thence along said northerly right-of-way line, South 89°21'52" West 121.13 feet to a point of curvature; thence along a curve to the left with a Radius of 554.50 feet, Delta of 74°11'46", Length of 718.06 feet, and a Chord of South 52°15'58" West 668.93 feet; thence along a curve to the right with a Radius of 25.00 feet, Delta of 80°34'06", Length of 35.15 feet, and a Chord of South 55°27'08" West 32.33 feet to the northerly right-of-way line of Lockhaven Drive NE (65.00 feet from the centerline); thence along said northerly right-of-way line, along a curve to the left with a Radius of 883.51 feet, Delta of 11°25'10", Length of 176.09 feet, and a Chord of North 89°58'24" West 175.80 feet to Highway Station 45+60.43; thence along a spiral curve to the left (with a spiral centerline  $s=07^{\circ}00'$ ,  $a=4.667$ , Length of 150.00 feet) with a Chord of South 81°45'08" West 115.22 feet to an angle point; thence South 60°44'04" West 42.68 feet to an angle point; thence South 78°42'30" West 22.80 feet to the easterly line of Deed Reel 3264 Page 277; thence leaving said northerly right-of-way line along said easterly line, North 46°10'48" East 23.14 feet to an angle point; thence continuing along said easterly line, North 00°07'51" West 209.53 feet to the southerly line Block 2 of the Plat of "Friendship Addition"; thence along said southerly line, North 89°53'01" East 43.70 feet to the southeasterly corner of said Block 2; thence along the easterly line of said Block 2, North 00°09'34" East 20.00 feet; thence leaving said easterly line, North 89°53'04" East 135.33 feet; thence South 00°00'21" East 20.00 feet; thence North 89°53'02" East 40.20 feet; thence North 46°10'48" East 381.13 feet to the southerly line of the Plat of "Northtree Estates"; thence along said southerly line, South 89°56'48" East 515.49 feet to the Point of Beginning.

The above described tract of land contains 3.25 acres, more or less.

11/15/2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael S. Kalina*

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEW: 6/30/17

Exhibit A  
Page 3 of 4

Block "B" of Friendship Addition, Marion County, Oregon.

Exhibit A  
Page 4 of 4

EXHIBIT B  
Land Use Application Schedule

| DATE               | ACTION                                                                      |
|--------------------|-----------------------------------------------------------------------------|
|                    |                                                                             |
| April 7, 2025      | Submittal of Request for Text Amendment                                     |
| June 17, 2025      | Submittal of Application for Master Plan Approval                           |
| June 17, 2025      | Submittal of Application for Property Line Adjustment/Partition/Subdivision |
| August 13, 2025    | Hearing Before Planning Commission                                          |
| September 2, 2025  | First Hearing Before Council                                                |
| September 15, 2025 | Second Hearing Before Council                                               |
| October 6, 2025    | Final Decision by Council                                                   |



To: Mayor Clark and City Council Members  
Thru: Adam J. Brown, City Manager  
From: Tim Wood, Assistant City Manager  
Subject: RESOLUTION - Certification of Lighting District Assessments

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**Proposed Motion**

I move the City Council adopt Resolution R2025-\_\_\_\_ Certification of Lighting District Assessments.

**I. Summary**

On an annual basis, the City must certify the annual lighting district assessments for the property holders of record as of June 30, 2025, so that the assessed amounts can be included on the Marion County Tax Rolls for Fiscal Year 2025-26.

**II. Background**

- A. The City administers 211 separate lighting districts.
- B. New subdivisions are required to establish a lighting district as part of the City's development code.
- C. Existing subdivisions, without lighting, can establish a lighting district based on the agreement of the majority of the property owners.
- D. Each district is assessed annually the cost to provide lighting (electricity) for their specific district for the previous year.

**III. Current Situation**

- A. Actual lighting costs for the previous year have been summarized for each lighting district.
- B. The specific assessments were noticed in the Keizertimes on June 6, 2025.

**IV. Analysis**

- A. **Strategic Impact** - Not applicable.



- B. **Financial** - The Fiscal Year 2025-26 assessment is \$452,058.56 and includes an administrative fee of \$4.51 per assessed lot and an allowance for uncollectible accounts of 2%. These amounts are accounted for in the Street Lighting District Fund. The prior year assessment was \$436,887.77.
- C. **Timing** - The attached resolution must be adopted by June 30, 2025, in order to be included in the Marion County Assessors tax roll for Fiscal Year 2025-26.
- D. **Policy/Legal** - The lighting districts are established under Oregon Revised Statute 223.866 Local Improvements and Works Generally - Levy of Assessment.

**V. Alternatives**

- A. Adopt the attached resolution.
- B. Take No Action - The City would need to identify an alternate funding source in order to continue to provide lighting throughout the City's established lighting districts.

**VI. Recommendation**

Staff recommends that the City Council open the public hearing and take testimony. If Council has no further questions, close the public hearing and adopt Resolution R2025-\_\_\_\_ Certification of Lighting District Assessments.

**Attachments**

- 1. RES\_CC\_Certification of Lighting District Assessments\_06 16 2025
- 2. ATT\_CC\_Certification of Lighting Districts\_06 16 2025

*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*

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

**Resolution R2025-\_\_\_\_\_**

## CERTIFICATION OF LIGHTING DISTRICT ASSESSMENTS

BE IT RESOLVED by the City Council of the City of Keizer that Keizer has determined and computed the amount of money necessary to be raised by assessment to cover funds spent to operate and maintain certain street lighting facilities within Keizer, including administrative costs for a total of \$452,058.56; and

BE IT FURTHER RESOLVED that Keizer certifies Exhibit "A" attached hereto, is a true and correct list of the properties within the various lighting assessment district in Keizer giving the proper assessment and apportionment of costs and expenses to be assessed against the respective properties for operation and maintenance of street lighting facilities for the year; and

BE IT FURTHER RESOLVED that Exhibit "A" attached hereto, is certified to the County Assessor to be added to the appropriate tax accounts for the respective properties indicated. The totals include the administrative fee of \$4.51 per assessed lot.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**Mayor**\_\_\_\_\_

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



CITY OF KEIZER  
"EXHIBIT A"  
CERTIFICATION OF  
LIGHTING DISTRICT ACCOUNTS  
ASSESSMENT YEAR 2025-26

| DISTRICT |                     | TOTAL PER<br>DISTRICT | PER LOT OR FRONT<br>FOOTAGE |
|----------|---------------------|-----------------------|-----------------------------|
| #        | NAME                |                       |                             |
| 008      | MARDELL             | \$ 6,291.42           | \$ 32.43                    |
| 012      | WILARK PARK ST LTG  | 10,393.00             | 54.70                       |
| 014      | MAI LIN             | 9,369.38              | 32.42                       |
| 015      | APPLEBLOSSOM        | 3,840.18              | 44.14                       |
| 017      | RIVERCREST          | 18,135.42             | 55.46                       |
| 018      | IVY WAY             | 6,167.77              | 51.83                       |
| 019      | ARNOLD WAY          | 1,308.31              | 31.91                       |
| 022      | NORTHVIEW           | 6,055.26              | 70.41                       |
| 023      | MCNARY HGHTS        | 5,012.48              | 56.96                       |
| 024      | CEDAR PARK ST LGHT  | 1,121.38              | 59.02                       |
| 025      | MENLO               | 1,864.62              | 69.06                       |
| 026      | SHADY LANE          | 4,284.82              | 0.8039 FRONT FOOT           |
| 028      | NORTHWOOD PARK #1   | 2,919.91              | 59.59                       |
| 034      | GREENWOOD           | 2,423.19              | 0.6401 FRONT FOOT           |
| 041      | WILARK PARK #6      | 741.60                | 41.20                       |
| 042      | WILARK PARK ANN #7  | 732.32                | 45.77                       |
| 043      | NORTHWOOD PARK #2   | 2,396.82              | 55.74                       |
| 044      | MAI-LIN DISTRICT #2 | 705.64                | 30.68                       |
| 045      | MCLEOD PARK         | 1,483.56              | 41.21                       |
| 046      | LANCER PARK         | 1,700.64              | 47.24                       |
| 047      | HILLIGOSS           | 810.88                | 57.92                       |
| 048      | CARLHAVEN ADDITION  | 628.88                | 22.46                       |
| 049      | WINDSOR ESTATES     | 1,213.25              | 52.75                       |
| 050      | WHITAKER PARK       | 4,065.36              | 52.12                       |
| 079      | ANDREW PARK         | 807.15                | 53.81                       |
| 080      | GLYNBROOK           | 3,743.30              | 91.30                       |
| 081      | LAWNDALE SUB        | 2,009.06              | 59.09                       |
| 082      | NORTHWOOD PARK #4   | 6,605.20              | 67.40                       |
| 083      | PALMA CIEA #5       | 1,393.92              | 63.36                       |
| 084      | WILARK PARK ANN #5  | 961.20                | 53.40                       |
| 086      | HICKS JONES         | 11,560.84             | 0.6209 FRONT FOOT           |
| 087      | CARLHAVEN ADD #2    | 728.84                | 26.03                       |
| 094      | WILL MANOR 4        | 2,044.70              | 88.90                       |
| 095      | WHEATLAND LN        | 403.62                | 57.66                       |
| 096      | NORTHTREE ESTATES   | 6,513.00              | 65.13                       |
| 097      | CHEMAWA PARK        | 1,367.10              | 75.95                       |
| 108      | MCLEOD PARK #2      | 1,442.07              | 53.41                       |
| 120      | CHEMAWA EST #1      | 1,675.20              | 55.84                       |
| 122      | SIX SUBDIVISION     | 615.00                | 24.60                       |
| 126      | MCLEOD ESTATES      | 3,634.88              | 49.12                       |
| 128      | CHEHALIS SUB        | 486.88                | 30.43                       |
| 129      | DENNIS LANE N       | 2,244.88              | 51.02                       |
| 130      | CRESTWOOD VILLAGE   | 494.40                | 41.20                       |
| 131      | CHEMAWA EST #2      | 1,913.52              | 56.28                       |

CITY OF KEIZER  
"EXHIBIT A"  
CERTIFICATION OF  
LIGHTING DISTRICT ACCOUNTS  
ASSESSMENT YEAR 2025-26

| DISTRICT |                     | TOTAL PER<br>DISTRICT | PER LOT OR FRONT<br>FOOTAGE |
|----------|---------------------|-----------------------|-----------------------------|
| #        | NAME                |                       |                             |
| 132      | CHARLOTTE           | 2,469.15              | 54.87                       |
| 141      | PALMA CIEA          | 24,106.81             | 53.69                       |
| 142      | RIVERVIEW N         | 1,377.50              | 47.50                       |
| 143      | MEADOWBROOK         | 539.10                | 59.90                       |
| 144      | JUNIPER             | 1,087.20              | 54.36                       |
| 146      | TERRACE GLEN        | 816.80                | 51.05                       |
| 147      | WEDGEWOOD ESTATE    | 1,213.76              | 37.93                       |
| 148      | JULIE ESTATES       | 1,409.00              | 70.45                       |
| 150      | KEPHART             | 2,057.60              | 51.44                       |
| 159      | JOHNISEE ADDN       | 479.96                | 36.92                       |
| 161      | WALENWOOD SUB       | 254.61                | 28.29                       |
| 162      | WARNER PARK         | 254.61                | 28.29                       |
| 163      | SPRINGTIME PK SUB   | 727.80                | 48.52                       |
| 164      | STONEHEDGE ESTATE   | 5,615.00              | 56.15                       |
| 165      | RIVERVIEW N #2      | 1,447.32              | 51.69                       |
| 181      | TIMBERVIEW SUB      | 6,142.92              | 43.26                       |
| 182      | VISTAVIEW ESTATE #2 | 2,835.60              | 47.26                       |
| 183      | NORTHRIDGE PARK     | 1,016.00              | 31.75                       |
| 184      | JUNIPER #2 SUBDIV   | 1,589.70              | 75.70                       |
| 185      | KEIZER HEIGHTS      | 3,116.80              | 48.70                       |
| 191      | CLARK ST NE         | 628.88                | 22.46                       |
| 192      | FRIENDSHIP ADDITION | 481.80                | 40.15                       |
| 193      | TEN AT MCNARY       | 1,029.70              | 73.55                       |
| 194      | BUCHOLZ ADDITION    | 711.48                | 33.88                       |
| 195      | PARKLAWN ADDITION   | 428.04                | 107.01                      |
| 205      | GLYNBROOK II N      | 3,432.69              | 79.83                       |
| 206      | FOUR WINDS ADDN N   | 6,288.99              | 51.13                       |
| 207      | FERNBROOK           | 1,672.32              | 42.88                       |
| 208      | EDEN ESTATES        | 3,179.40              | 75.70                       |
| 209      | COUNTRY CLUB EST    | 1,622.04              | 57.93                       |
| 212      | LAWNDALE I SUB PH-2 | 2,738.97              | 70.23                       |
| 213      | STONEHEDGE EST II   | 3,923.12              | 44.08                       |
| 215      | GARY ST             | 1,217.30              | 32.90                       |
| 216      | ARNOLD ST #2        | 1,220.78              | 55.49                       |
| 217      | FOUR WINDS III      | 674.00                | 33.70                       |
| 218      | GREENWAY            | 858.78                | 47.71                       |
| 219      | NOON AVE            | 1,311.36              | 40.98                       |
| 220      | STONEHEDGE EST III  | 1,464.96              | 45.78                       |
| 221      | STONEHEDGE EST 4&5  | 1,679.89              | 54.19                       |
| 227      | WILLOW LAKE EST     | 2,170.52              | 49.33                       |
| 228      | THE MEADOWS PH-1    | 3,699.36              | 66.06                       |
| 231      | FOURWINDS II        | 655.68                | 40.98                       |
| 232      | WHITAKER HGTS       | 1,809.39              | 54.83                       |
| 234      | THE MEADOWS PH-3    | 2,312.10              | 66.06                       |

CITY OF KEIZER  
"EXHIBIT A"  
CERTIFICATION OF  
LIGHTING DISTRICT ACCOUNTS  
ASSESSMENT YEAR 2025-26

| DISTRICT |                      | TOTAL PER<br>DISTRICT | PER LOT OR FRONT<br>FOOTAGE |
|----------|----------------------|-----------------------|-----------------------------|
| #        | NAME                 |                       |                             |
| 235      | THE MEADOWS PH-2     | 2,444.22              | 66.06                       |
| 236      | THE MEADOWS PH-4     | 2,576.34              | 66.06                       |
| 237      | ORCHARD CREST        | 2,622.97              | 49.49                       |
| 238      | STONEHEDGE EST #6    | 1,679.89              | 54.19                       |
| 239      | SPRINGMEADOW EST     | 4,702.00              | 2,351.00                    |
| 241      | WILLOW LAKE 2&3      | 4,394.88              | 45.78                       |
| 246      | CHERRYLAWN CT NE     | 534.48                | 66.81                       |
| 247      | ORCHARD CREST PH-3   | 2,081.10              | 59.46                       |
| 248      | MAX CT               | 585.20                | 58.52                       |
| 249      | THE MEADOWS PH-5     | 2,774.52              | 66.06                       |
| 250      | ORCHARD CREST PH-2   | 2,590.11              | 48.87                       |
| 251      | RIVERCREST PH-1&2    | 2,142.36              | 48.69                       |
| 253      | THE MEADOWS PH-6     | 2,047.86              | 66.06                       |
| 254      | THE MEADOWS PH-7     | 2,113.92              | 66.06                       |
| 255      | TIMBERVIEW PH-3      | 1,885.80              | 67.35                       |
| 256      | APPLETREE PH-1,2,3   | 3,281.40              | 72.92                       |
| 257      | BRIARWOOD            | 3,304.21              | 3,304.21                    |
| 258      | HIDDEN CRK EST PH-1  | 3,679.56              | 102.21                      |
| 259      | CATERWOOD ESTATES    | 2,650.47              | 51.97                       |
| 260      | PARKMEADOW APTS      | 1,102.71              | 1,102.71                    |
| 261      | NORTHRUP/NORTHSHIRE  | 597.48                | 49.79                       |
| 262      | COUNTRY GLEN EST     | 10,496.90             | 56.74                       |
| 263      | FIRCON               | 2,250.40              | 77.60                       |
| 264      | HIDDEN CRK EST PH-2  | 952.16                | 59.51                       |
| 265      | CLEARLAKE SUBDIV     | 3,080.63              | 62.87                       |
| 266      | SPRINGRIDGE EST      | 2,026.88              | 63.34                       |
| 267      | THE RIDGE            | 1,419.00              | 64.50                       |
| 268      | NORTHSIDE ESTATES    | 2,970.87              | 69.09                       |
| 269      | HOMESTEAD/CLEARVIEW  | 434.00                | 43.40                       |
| 270      | HONEYSUCKLE          | 1,622.75              | 64.91                       |
| 272      | LARSON PARK SUBDIV   | 494.40                | 41.20                       |
| 273      | BAILEY ESTATES       | 485.20                | 48.52                       |
| 274      | STICKLES ADDITION    | 260.91                | 28.99                       |
| 275      | CEDAR BLUFF SUBDIV   | 1,881.36              | 69.68                       |
| 276      | ABT KOUFAX LN        | 1,633.80              | 77.80                       |
| 277      | HIDDEN CREEK PH-3    | 810.48                | 24.56                       |
| 278      | HOLLY LN/ALDER DR NE | 429.39                | 47.71                       |
| 282      | 3RD AVE N            | 2,202.48              | 38.64                       |
| 283      | HIDDEN CREEK PH-4    | 1,167.15              | 77.81                       |
| 284      | JACOB ESTATES SUB    | 908.10                | 90.81                       |
| 285      | PRAIRIE EST          | 8,107.96              | 88.13                       |
| 286      | TECUMSEH ESTATES     | 1,188.18              | 56.58                       |
| 287      | TEPPER E SUB         | 2,120.72              | 75.74                       |
| 288      | WESTMORE             | 1,468.56              | 61.19                       |

CITY OF KEIZER  
"EXHIBIT A"  
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LIGHTING DISTRICT ACCOUNTS  
ASSESSMENT YEAR 2025-26

| DISTRICT |                                           | TOTAL PER<br>DISTRICT | PER LOT OR FRONT<br>FOOTAGE |
|----------|-------------------------------------------|-----------------------|-----------------------------|
| #        | NAME                                      |                       |                             |
| 292      | PINEHURST ESTATES                         | 3,556.80              | 62.40                       |
| 293      | LEEWOOD MEADOWS                           | 2,757.78              | 51.07                       |
| 294      | BROWER PLACE                              | 1,899.68              | 61.28                       |
| 295      | HIGHLANDS ESTATES                         | 3,553.80              | 59.23                       |
| 296      | JACOB ESTATES PH2                         | 1,180.98              | 65.61                       |
| 297      | BAHNSEN WOODS EST                         | 3,672.60              | 61.21                       |
| 298      | FOREST RIDGE EST                          | 3,091.55              | 56.21                       |
| 299      | WHEATLAND TERRACE                         | 917.70                | 65.55                       |
| 300      | WATERFORD                                 | 3,080.63              | 62.87                       |
| 306      | ROCKLEDGE ADDITION                        | 732.32                | 45.77                       |
| 307      | WITTENBERG                                | 1,616.48              | 808.24                      |
| 308      | JORDON RUN                                | 826.65                | 75.15                       |
| 309      | PRAIRIE CLOVER                            | 649.08                | 162.27                      |
| 310      | VINEYARDS                                 | 5,532.30              | 61.47                       |
| 311      | HIGHLANDS NORTH                           | 494.08                | 30.88                       |
| 312      | CHEMAWA GLEN                              | 2,487.48              | 65.46                       |
| 315      | SPARROW ADDITION                          | 667.52                | 83.44                       |
| 316      | VINEYARDS NO. PHASE 2                     | 3,434.34              | 67.34                       |
| 317      | HIDDEN CREEK PHASE 5                      | 899.30                | 89.93                       |
| 318      | BARNICK ESTATES                           | 1,331.88              | 110.99                      |
| 319      | MCLEOD ACRES                              | 865.60                | 86.56                       |
| 321      | BEIER ESTATES                             | 1,944.90              | 108.05                      |
| 322      | WESTMORE EAST SUBDIV N.                   | 470.70                | 26.15                       |
| 323      | SHADY ADDITION N.-RING ST. N.E.           | 858.78                | 47.71                       |
| 332      | CLEARLAKE HEIGHTS                         | 676.70                | 67.67                       |
| 333      | PINE MEADOWS ESTATE                       | 704.34                | 50.31                       |
| 334      | AT MURPHY SUBDIVISION-PHASE 1 & 2         | 1,390.32              | 57.93                       |
| 336      | FULTZ ESTATES                             | 912.75                | 60.85                       |
| 338      | RICKMAN CROSSING                          | 685.90                | 68.59                       |
| 339      | CEDAR TREE                                | 903.87                | 82.17                       |
| 340      | WINDSOR WOODS SUBDV                       | 3,189.12              | 72.48                       |
| 344      | APPLE TREE ANNEX/PEIRCE DRIVE             | 1,872.36              | 52.01                       |
| 345      | FULTZ ESTATES PH 2                        | 463.44                | 57.93                       |
| 346      | PLEASANT VIEW NE                          | 2,139.20              | 53.48                       |
| 350      | HUNTER ADDITION II/BARNICK RD INFILL PROJ | 357.40                | 35.74                       |
| 351      | HUNTER ADDITION I                         | 449.60                | 89.92                       |
| 352      | LENT ESTATES STLT DIST. KUD               | 730.89                | 27.07                       |
| 353      | TREBBER ESTATES                           | 1,348.95              | 89.93                       |
| 354      | WINDSOR WOODS SUBDV PH2                   | 1,893.06              | 48.54                       |
| 355      | EVERWOOD MEADOWS                          | 929.40                | 61.96                       |
| 356      | MEGAN LEE PROP.                           | 243.45                | 48.69                       |
| 358      | CLEARLAKE MEADOWS STLT DIST               | 230.65                | 46.13                       |
| 359      | CLAGGET GROVE DIST.                       | 339.00                | 56.50                       |
| 360      | SELENA ESTATES DIST.                      | 804.95                | 47.35                       |

CITY OF KEIZER  
"EXHIBIT A"  
CERTIFICATION OF  
LIGHTING DISTRICT ACCOUNTS  
ASSESSMENT YEAR 2025-26

| DISTRICT         |                                | TOTAL PER<br>DISTRICT | PER LOT OR FRONT<br>FOOTAGE |
|------------------|--------------------------------|-----------------------|-----------------------------|
| #                | NAME                           |                       |                             |
| 361              | CANDLEWOOD IND PARK NE         | 221.58                | 36.93                       |
| 363              | BRIAN MDWS ST LT DIST.-KUD     | 620.40                | 28.20                       |
| 365              | JACOB ESTATES PH3              | 244.48                | 30.56                       |
| 366              | MADALYN TERRACE                | 375.34                | 26.81                       |
| 367              | GRISWOLD AVE NE                | 401.79                | 133.93                      |
| 368              | HALEY ESTATES                  | 698.22                | 38.79                       |
| 369              | KEIZER STATION LIGHTING-AREA A | 12,661.31             | 174.18 PER ACRE             |
| 370              | WHEATLAND MEADOWS ESTATE       | 1,176.10              | 30.95                       |
| 372              | SARAH JEAN COURT               | 239.82                | 34.26                       |
| 373              | BENSON ESTATES SUBDIVISION     | 449.60                | 89.92                       |
| 374              | PEYTON-HAYLEY SUBDIVISION      | 217.00                | 43.40                       |
| 375              | MCGEE COURT                    | 245.35                | 49.07                       |
| 377              | CRAFTSMAN RIDGE STREET         | 587.55                | 39.17                       |
| 378              | TAYLOR RIDGE SUB               | 348.16                | 43.52                       |
| 379              | TEETS ESTATES STREET           | 267.41                | 20.57                       |
| 384              | AVALON MEADOWS STREET          | 2,975.13              | 36.73                       |
| 385              | MAGEE ESTATES STREET           | 122.82                | 20.47                       |
| 386              | MCNARY HGHTS ADDN STREET       | 484.35                | 32.29                       |
| 387              | NEW DAY STREET                 | 242.10                | 40.35                       |
| 391              | TATE ESTATES ST LTG            | 253.60                | 25.36                       |
| 392              | ALDINE MEADOWS LTG             | 865.80                | 28.86                       |
| 393              | WINDSOR ISLAND LTG             | 2,349.54              | 43.51                       |
| 394              | NORTHFIELD ESTS LTG            | 1,735.92              | 144.66                      |
| 395              | WILLOWLAKE LAKE VIEW           | 983.01                | 31.71                       |
| 397              | MISTY MEADOWS                  | 1,344.45              | 89.63                       |
| 399              | BOWDEN MEADOWS                 | 2,706.88              | 84.59                       |
| 400              | KEIZER STATION LTG AREA C      | 2,467.47              | 76.53 PER ACRE              |
| 403              | GALINA COURT ST LTG            | 240.84                | 40.14                       |
| 404              | PINECREST ADDN ST LTG          | 336.25                | 67.25                       |
| 405              | SUMMERVIEW ESTS LTG            | 667.12                | 83.39                       |
| 406              | SNOOK GROVE LTG                | 679.50                | 67.95                       |
| 407              | STERLING MEADOW LTG            | 647.25                | 43.15                       |
| 408              | K-AUBREY GLENN LTG             | 694.46                | 53.42                       |
| 462              | NAOMI'S START                  | 436.28                | 109.07                      |
| TOTAL ASSESSMENT |                                | <u>\$ 452,058.56</u>  |                             |



To: Mayor Clark and City Council Members  
Thru: Adam J. Brown, City Manager  
From: Bill Lawyer, Public Works Director  
Subject: Park Rules Amendment

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### **Proposed Motion**

I move the City Council adopt Ordinance 2025-\_\_\_\_ Relating to Park Regulations; Amending Keizer Code Sections 28-23 and 28-43.

### **I. Summary**

During a routine review of the Keizer Code, it was discovered clarification is needed in Section 28-23 regarding the Keizer Rapids Park artificial turf fields usage and there is a conflict in Section 28-43 regarding the closing time of the parks and the Keizer Rapids artificial turf fields. Clarification in Section 28-23 (e) adds language clarifying the types of uses that require a reservation. Section 28-43 (e) currently requires the turf fields to be closed and lights off at 9:30pm, while the park closes 1/2 hour after sunset. During the summer months, that means the fields have to be closed before the park closes.

### **II. Background**

- A. The Keizer City Council held a work session on March 24 with the non-profit organization Keizer Community Fields (KCF) to discuss the long-term agreement for operating the new synthetic turf sports complex. Several adjustments were recommended in that work session to the agreement between Keizer Community Fields and the City of Keizer.
- B. Several conflicts and issues need to be resolved as identified by staff and for additional recommendations by the Parks and Recreation Advisory Board.
  - 1. **Park Hours** - 28-43 A conflict exists in the current park rules that were inconsistent with the new complex and the rest of the park. The park rules, in section 28-43 say the park closes at dusk. However, the synthetic turf complex is allowed to operate past dark until lights out at 9:30. This contradiction needs to be resolved.
  - 2. **Sunday Hours** - Current rules limit extended hours to Monday through Saturday not allowing play on Sunday.
  - 3. **Operations and Noise** - The Keizer Noise Ordinance is only enforced past

10 pm. Other activities in the park can occur prior to dusk and before 10 pm, but the sports fields are not allowed to operate past 9:30 when lights go out.

4. **Business in the Park** - The managers of the turf fields have informed staff that there have been activities at the fields that should require a reservation, but the current rules do not specifically require one. The City Park Rules require that businesses cannot operate in the park without the consent of the city. Currently, the only business allowed to operate in the park is a coffee cart business.

C. Staff presented proposed changes to the Parks and Recreation Advisory Board (Board) for consideration. The Board considered and discussed staff's proposed changes to the rules at the June 10th, 2025 regularly scheduled Board meeting.

### III. Current Situation

A. The staff proposed the following amendments to the Parks and Recreation Advisory Board and City Council based on our work session and conversations with the managers of our facility:

1. **Park Hours** 28-43 Change (e) (1) to add the word programming. Change (e)(2 & 3) to change the operations from 9 pm to 10 pm.
2. **Sunday Hours** - Strike out (e)(4) which says "Extended hours shall be limited to Monday through Saturday; the artificial turf fields shall close at normal park closing times on Sundays." This would allow play to be the same every day of the week.
3. **Operations & Noise** - Changing the park hours in 28-43 (e) will allow more organized play as requested by Keizer Community Fields. There was some worry about the time of play for youth sports, thinking there was no need for use of the fields past 9 pm. There is a demand for adult sports; however, beyond 9 pm and even some organized youth sports already occur at the high school because of the limited amount of available field time.
4. **Business in the Park** - 28-23 (e) - Staff proposed Add "All organized activities that include, but are not limited to, team practices, individual training sessions, and other organized activities that require a fee or other payment to the organization or individual for participation cannot be held unless a reservation for the field or fields is obtained."

B. The Parks Board made two motions. (1) To maintain Sunday through Thursday status quo, Friday and Saturday all activities completed, lights off by 10:00 p.m. and that goes from Memorial Day to Labor Day and then after Labor Day to Memorial Day, it maintains status quo as it is right now. (2) Change the rules to allow Sunday to be just like every other day with the same restrictions that we talked about earlier, and then I also move that we include all of the redline language in Section E with the exception of replacing individual with the word group.

C. Effect of the Parks Board Changes

1. **Park Hours** 28-43 Change The parks board motion would keep the hours as is Sunday through Thursday with play concluding at 9 pm and lights out at 10 pm. They would allow play to continue Friday and Saturday with lights out at

10 pm only between Memorial Day and Labor Day.

2. **Sunday Hours** - The parks board motion would allow play on Sunday just like any other day with lights out at 9:30 pm.
3. **Operations & Noise** - There was a lot of discussion at the Parks Board about noise from activity at the fields, which is why they made the recommendations in the motions. Regular activity at the park is permitted up until dusk at the rest of Keizer Rapids Park and our noise ordinance is enforceable at 10 pm. So, if it is still light, activity could occur in the rest of the park past the time allowed on the turf fields. Arguably, however, the activity on the turf fields could cause greater noise from observers cheering and sounds from coaches and players.
4. **Business in the Park** - 28-23 (e) - The Parks Board recommendation was intended to allow for individual private lessons in the park. What was not brought up to the Parks Board was that the current ordinance restricts business activities in the parks except by approval of the City Council. The City Council has only authorized a coffee cart in Keizer Rapids Park. It was the thinking of the staff that a person using our fields to conduct business should have to rent the field. This could be done for as little as \$20 for half a field which staff and Keizer Community Fields deemed reasonable for private lessons.

#### IV. **Analysis**

- A. **Strategic Impact** - N/A
- B. **Financial** - N/A
- C. **Timing** - Approval of these amendments resolves the conflict in the rules as soon as practical.
- D. **Policy/Legal** - City Council approval is required to amend the Keizer Code.

#### V. **Alternatives**

- A. Adopt the attached Ordinance.
- B. Do nothing.

#### VI. **Recommendation**

Staff recommends the City Council adopt the attached Ordinance amending Section 28-23 and Section 28-43 of the Keizer Code.

#### **Attachments**

1. ORD\_CC\_Amending Sections 28-23 and 28-43\_6 16 2025
2. EXH\_CC\_Sec. 28\_23.\_\_\_\_Special\_uses\_and\_areas.\_6 16 2025
3. EXH\_CC\_Sec. 28\_43.\_\_\_\_Closing\_time\_\_emergency\_closing.\_6 16 2025



*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*

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A BILL  
FOR

ORDINANCE NO.  
2025-\_\_\_\_\_

AN ORDINANCE

RELATING TO PARK REGULATIONS; AMENDING KEIZER  
CODE SECTIONS 28-23 AND 28-43

The City of Keizer ordains as follows:

Section 1. Keizer Code Sections 28-23 and 28-43 are hereby amended as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

Section 2. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and

1 (h) Correct manifest clerical, grammatical or typographic errors.

2 Section 3. Each section of this ordinance, and any part thereof, is severable,  
3 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the  
4 remainder of this ordinance shall remain in full force and effect.

5 Section 4. This Ordinance shall take effect thirty (30) days after its passage.

6 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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8 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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\_\_\_\_\_  
Mayor

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

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## Sec. 28-23. Special uses and areas.

- (a) *Generally.* The director may select and designate specific areas and facilities in any park which may be limited to special uses, at all times or at certain times. Special uses may require a permit in writing or a reservation. Fees shall be established by council resolution.
- (b) *Special uses.* Special uses may include, but are not limited to: Sports, games or other recreational activities, picnics, assemblies, entertainments, exhibitions, and weddings.
- (c) *Carlson Skate Park regulations.* In addition to the park regulations set forth in this article, Carlson Skate Park is subject to the following specific regulations:
  - (1) Permitted uses in the skate park surface include skateboards, rollerblades, and BMX bikes, scooters and "Big Wheels" type tricycles only; no foot traffic or motorized vehicles.
  - (2) The use of helmets is mandatory.
  - (3) Use or placement of additional obstacles or other materials including, but not limited to, ramps, jumps, etc. are prohibited.
  - (4) Glass containers are prohibited.
  - (5) Food and/or drink is prohibited on or within five feet of the skate park surface.
  - (6) Use of Carlson Skate Park is prohibited if hazardous conditions exist. Any damage/hazardous conditions must be reported to the city parks department.
  - (7) Use of skate park surface is prohibited when the surface is wet.
- (d) *Keizer Little League Park usage.* Any individuals not affiliated with groups or organized teams may use the park or individual fields at any time the park is open if such use does not interfere with the priority or reserved use, cause safety concerns, or cause undue wear and tear in the city's reasonable discretion.
- (e) *Keizer Rapids Park artificial turf fields usage.* Any individuals not affiliated with groups or organized teams may use the individual fields at any time the park is open if such use does not interfere with the priority or reserved use, cause safety concerns, or cause undue wear and tear in the city's reasonable discretion. All organized activities that include, but are not limited to, team practices, skills camps, individual training sessions, and other organized activities that require a fee or other payment to that organization or individual for participation cannot be held unless a reservation for the field or fields is obtained.

(Ord. No. 2023-869, § 5, 10-2-2023; Ord. No. 2024-881, § 5, 9-3-2024)

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## Sec. 28-43. Closing time; emergency closing.

- (a) *Hours generally.* Subject to the exception noted below, or unless modified by the director, all parks shall be open one half hour prior to sunrise to one half hour after sunset as determined by the U.S. Naval Observatory (Astronomical Applications Department), unless such agency no longer provides this service. In such case, the determination of the time of sunrise and sunset shall be pursuant to the appropriate official governmental agency. All amplified sound shall completely cease by 9:00 p.m., unless permitted by the director during the permitting process. The usage of the boat ramp and parking lot at Walsh's Landing in Keizer Rapids Park for purposes of putting in or taking out a vessel are allowed two hours before sunrise and one and one half hours after sunset.
- (b) *Entering or remaining after closing time.*
  - (1) No person may enter or remain in any park or portion thereof at any time when the same is closed to the public unless specifically allowed in these regulations or authorized to do so by the director in writing.
  - (2) The director shall, by appropriate signs or other means, give notice of closing times, and may designate certain areas which will be closed to the public at a regular closing time, regardless of whether or not any outdoor or indoor event is being or is scheduled to be conducted elsewhere in the park.
  - (3) Persons may remain after closing time if camped in a specifically designated camping area. The director shall determine the locations for such areas and a maximum number of nights and maximum number of persons allowed.
  - (4) Section 36-3 (prohibiting camping on sidewalks, public property and public rights-of-way; declaring an emergency) as amended is applicable within city parks. If section 36-3 conflicts with these park regulations, section 36-3 shall apply.
- (c) *Events after closing time.* Any portion of a park or any enclosed building in a park in which an event is being conducted or is scheduled to be conducted, based upon a permit issued by the director, shall not be considered closed after the regular closing time to members of the public who are attending or participating in the event, and who are within the permitted portion of the park, the building, any paths leading thereto from any street, or any other facility, outdoor area or off-street parking area intended for use in connection therewith, until 30 minutes after the conclusion of the permitted event. As to other members of the public who are not participants in the event, the park and all structures therein shall be considered closed at the regular closing time.
- (d) *Keizer Little League Park.* Keizer Little League Park may be open after normal closing times where fields are appropriately lighted within the dates and times as follows:
  - (1) Lighting may extend the park hours from March 1 to October 31.
  - (2) The park will close, and the lights will be off, at 11:00 p.m.
  - (3) Extended hours shall be limited to Monday through Saturday; the park shall close at normal closing times on Sundays.
  - (4) City council may extend these hours for special events.
- (e) *Keizer Rapids Park artificial turf fields.* Keizer Rapids Park artificial turf fields may be open after normal closing times where fields are appropriately lighted within the dates and times as follows:
  - (1) Lighting may extend the Keizer Rapids Park artificial turf fields hours year round. If no programming/games are scheduled, then the lighting will not occur and the hours will not be extended.

- 
- (2) All programming/games shall be completed by 109:00 p.m. and the lighting shall be dimmed at 109:00 p.m.
  - (3) Artificial turf fields will close, and the lights will be off, at 109:30 p.m.
  - ~~(4) Extended hours shall be limited to Monday through Saturday; the artificial turf fields shall close at normal park closing times on Sundays.~~
  - (5) City council may extend these hours for special events.
  - (6) The extended closing times only apply to the artificial turf fields at Keizer Rapids Park and not any other part of Keizer Rapids Park unless specifically permitted under these park regulations.
- (f) *Emergency closing.*
- (1) The council, the director, or the chief of police, or their authorized representatives, may direct any park or designated portion thereof to be closed at certain times or from time to time if the closing is reasonably necessary for the proper conduct of any activity by city, to protect public property or natural resources within a park or any private or public property or natural resources in the vicinity of a park from damage, or to preserve the public peace or safety in a park or portion of a park or in the vicinity thereof.
  - (2) When a park or portion thereof is closed to the public, pursuant to the above authority or any other proper authority, no person may enter the park or closed portion thereof after notice of closing or fail or refuse to promptly leave the park when requested to do so by the director, any park attendant, guard, special officer authorized by the director, or law enforcement officer.

(Ord. No. 2023-869, § 25, 10-2-2023; Ord. No. 2024-881, § 25, 9-3-2024)



To: Mayor Clark and City Council Members  
Thru: Adam J. Brown, City Manager  
From: Joseph Lindsay, City Attorney  
Subject: Fire Code

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**Proposed Motion**

I move that the City Council adopt Ordinance 2025-\_\_\_\_ Relating to Fire Code; Amending Keizer Code Chapter 8.

AND

I move that the City Council adopt Resolution R2025-\_\_\_\_ Repealing Resolution No. R98-1008 and Resolution R2004-1538 Relating to Fire Code.

**I. Summary**

After going through the codification process, the City is continuing to identify changes that need to be addressed in the Keizer Code. Here, the proposed ordinance will continuously adopt the most contemporary, adopted fire code of the State and delegate the enforcement of the code to the two local fire districts: Keizer Fire District and Marion County Fire District No.

1.

**II. Background**

A. The last time the City adopted the fire code was in 2004 in resolution R2004-1538. The incorporated fire code therein was from 2004.

B. Our Keizer Development Code references the "fire code" in several places without a formal definition in that section of the Code, so an updated fire code definition/adoption is the best approach.

**III. Current Situation**

A. The proposed adoption of the fire code looks to recognize whenever the State amends and adopts new versions. This should be a one-time fix that will ensure that the City always recognizes the most contemporary fire code.

**IV. Analysis**

A. **Strategic Impact** - NA

B. **Financial** - NA

C. **Timing** - It is helpful to get this done more sooner than later.

D. **Policy/Legal** - Adopting the most recent fire code in this way will erase any confusion about which fire code to apply.

**V. Alternatives**

A. Adopt the ordinance and resolution as presented.

B. Ask for staff to make changes.

C. Take no action, and the code and resolution will remain in place.

**VI. Recommendation**

Staff recommends adopting the ordinance and approving the resolution as presented.

**Attachments**

1. ORD\_CC\_Amending Keizer Code Chapter 8 - Fire Code\_6 16 2025
2. EXH\_CC\_Fire Code\_6 16 2025
3. RES\_CC\_Repeal of Fire Code Resolutions\_6 16 2025

*“Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury.”*



1 A BILL

ORDINANCE NO.

2025-\_\_\_\_\_

3 FOR

4 AN ORDINANCE

5  
6 RELATING TO FIRE CODE; AMENDING KEIZER  
7 CODE CHAPTER 8  
8

9  
10 The City of Keizer ordains as follows:

11 Section 1. Keizer Code Chapter 8 is hereby amended by adding an Article IV  
12 as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

13 Section 2. In preparing this ordinance for publication and distribution, the City  
14 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but  
15 within such limitations, may:

16 (a) Renumber sections and parts of sections of the ordinance;

17 (b) Rearrange sections;

18 (c) Change reference numbers to agree with renumbered chapters, sections or  
19 other parts;

20 (d) Delete references to repealed sections;

21 (e) Substitute the proper subsection, section or chapter, or other division  
22 numbers;

23 (f) Change capitalization and spelling for the purpose of uniformity;

24 (g) Add headings for purposes of grouping like sections together for ease of  
25 reference; and

1 (h) Correct manifest clerical, grammatical or typographic errors.

2 Section 3. Each section of this ordinance, and any part thereof, is severable,  
3 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the  
4 remainder of this ordinance shall remain in full force and effect.

5 Section 4. This Ordinance shall take effect thirty (30) days after its passage.

6 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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8 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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\_\_\_\_\_  
Mayor

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

## ***ARTICLE IV. FIRE CODE***

### **Sec. 8-\_\_\_\_. Delegation.**

- (a) The city of Keizer hereby delegates to the Keizer Rural Fire Protection District and/or the Marion County Fire District No. 1 the enforcement of the Oregon Fire Code as adopted and amended by the Oregon Office of the State Fire Marshal in OAR 837, Division 40. Such delegation shall include, but shall not be limited to, fire prevention, fire suppression, fire safety, fire storage, fire escapes, and fire investigation.
- (b) The Oregon Fire Code shall be enforced by the fire prevention divisions of the Keizer Rural Fire Protection District and/or the Marion County Fire District No. 1, which shall be operated under the supervision of the fire marshal under the direction of the fire chief. The chief may detail or assign members of the fire department as inspectors, pursuant to the Oregon Fire Code and Oregon Statutes.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2025-\_\_\_\_\_

4  
5 REPEALING RESOLUTION NO. R98-1008 AND RESOLUTION  
6 R2004-1538 RELATING TO FIRE CODE

7  
8 WHEREAS, the City Council adopted Resolution No. R98-1008 (Adopting the  
9 Uniform Fire Code and Uniform Fire Code Standards' for Marion County Fire District  
10 #1 in the City of Keizer, State of Oregon) on February 2, 1998;

11 WHEREAS, the City Council adopted Resolution R2004-1538 (Adopting the  
12 2003 International Fire Code with State of Oregon Amendments; and Authorizing  
13 Permits for Sale of Fireworks in the City of Keizer, State of Oregon) on November 1,  
14 1998;

15 WHEREAS, Resolution No. R98-1008 and Resolution R2004-1538 are no longer  
16 necessary because the Council enacted a Code that delegates the Oregon Fire Code to  
17 the districts;

18 WHEREAS, the City Council wishes to repeal Resolution No. R98-1008 and  
19 Resolution R2004-1538;

20 NOW, THEREFORE,

21 BE IT RESOLVED by the City Council of the City of Keizer that Resolution No.  
22 R98-1008 (Adopting the Uniform Fire Code and Uniform Fire Code Standards' for  
23 Marion County Fire District #1 in the City of Keizer, State of Oregon) and Resolution  
24 No. R2004-1538 (Adopting the 2003 International Fire Code with State of Oregon

1 Amendments; and Authorizing Permits for Sale of Fireworks in the City of Keizer, State  
2 of Oregon) are hereby repealed in their entirety.

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

5 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

6  
7 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

8  
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10 \_\_\_\_\_  
11 Mayor

12  
13 \_\_\_\_\_  
City Recorder



To: Mayor Clark and City Council Members  
Thru: Adam J. Brown, City Manager  
From: Joseph Lindsay, City Attorney  
Subject: Non-Gift Food/Drinks Policy

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### **Proposed Motion**

I move that the City Council adopt Resolution R2025-\_\_\_\_ Council Determination Regarding Adoption of Personnel Policies; Repeal of Resolution R2024-3439.

### **I. Summary**

Due to a recent opinion letter from the Oregon Government Ethics Commission, the City of Keizer needs to adopt a non-gift food policy to bring current practices into alignment with this ethics opinion regarding city-provided snacks and food for employees and public officials. But first, the City of Keizer has a resolution in place that only allows the Council to approve all policies that have to do with any form of compensation. The recommended change will solely empower the City Manager to approve non-gift food policies in the workplace. It will shield the Council from having any conflicts of interest in the policy by removing the Council's ability to make the decision.

### **II. Background**

- A. On May 9, 2025, the Oregon Government Ethics Commission (OGEC) adopted Advisory Opinion 25-126A, opining that when any public official receives food from their own organization, they are not receiving a gift, but rather being compensated. Therefore, to retain the ability to ethically receive City-provided food when it is not offered to everyone in attendance, the City needs to have a policy in place regarding food compensation. However, ethics laws also don't allow a public official to vote on their own compensation--it creates a conflict of interest that requires recusal.

### **III. Current Situation**

- A. To keep the Council from voting on its own compensation, the resolution (R2024-3439) regarding compensation policies needs to allow someone else to have the power to set food compensation policies. This power can legally and ethically be handed to the City Manager. Any subsequent policy change will be made in that position's discretion alone.

- B. There is also a legislative fix working its way quickly through the Oregon State Legislature (SB 983), but its engrossed version currently only addresses the ethical dilemma involved in a budget committee discussing and voting on a budget that includes the compensation of the public officials (or relatives of the public officials) on the budget committee. Even if this passes, the City will still need to have a food compensation policy if the City wants to allow food to be received on the premises by those who work for or volunteer at the City--unless food is open to everyone.

#### **IV. Analysis**

- A. **Strategic Impact** - NA
- B. **Financial** - Nominal.
- C. **Timing** - No particular timing issues.
- D. **Policy/Legal** - If the City wants to provide on-premises food to employees or volunteers from time to time for meetings, team building, interview panels, or even coffee for coffee breaks, it now needs to have a food compensation policy in place.

#### **V. Alternatives**

- A. Adopt the resolution as presented, giving the authority to have a food compensation policy to the City Manager alone.
- B. Ask for more information to revisit the ideas at a later date.
- C. Take no action and leave things as they are.

#### **VI. Recommendation**

Staff recommends adopting the resolution as presented.

#### **Attachments**

1. ATT\_CC\_Commission Advisory Opinion\_6 16 2025
2. RES\_CC\_Revised Determination Regarding Personnel Policies\_6 16 2025

*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*



# Oregon

Tina Kotek, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: [mail@ogec.oregon.gov](mailto:mail@ogec.oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

May 9, 2025

Sent via email

Jayme Pierce, General Counsel  
League of Oregon Cities  
1201 Court St. NE, Ste. 200  
Salem, Oregon 97302-4194

Dear Jayme Pierce:

At its May 9, 2025 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion in response to your request to the Commission, dated January 16, 2025. The Commission extended the period for this advisory opinion by an additional 60 days, as authorized by ORS 244.280(2).

### **OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 25-126A**

#### **SYNOPSIS OF FACTS AS PRESENTED TO THE COMMISSION:**

On September 2, 2024, the Commission, through its Executive Director, issued a letter of advice to Lacy Beaty, Mayor of Beaverton (Advice No. 24-406I). This letter of advice addressed how the Oregon Government Ethics Laws in ORS Chapter 244 applied to a “team at a team-building event” where individual public officials, and their relatives or household members, consumed food and beverages provided by the city, and the alcoholic beverages provided by the Mayor personally.

Following issuance of Advice No. 24-406I, you submitted a request for a Commission Advisory Opinion, on behalf of the League of Oregon Cities, addressing a number of hypothetical situations involving city staff and the provision of food and beverages. In your request, you note that city officials and employees may attend various city-sponsored meetings and events where food and beverages are provided. Examples of such meetings and events could include:

- City staff attend a lunch hour staff meeting and the city provides attendees with lunch.
- City staff are celebrating an employee’s personal milestone, such as a baby shower that occurs during working hours. City funds are utilized to provide light snacks and refreshments for those in attendance.



- The city hosts a holiday party to celebrate city staff and volunteers. Food and beverages are provided by the city for those in attendance.
- A department hosts a teambuilding event for department staff. Food and beverages are provided by the city for those in attendance.

### **QUESTIONS:**

Your request for a Commission Advisory Opinion seeks to clarify how the Commission would apply the provisions in and ORS 244.040 and ORS 244.025 to a public official's receipt of food and beverages, under the following circumstances:

- (1) If a city staff member attends any of the above situations and consumes the food and beverages provided by the city, do they violate ORS 244.040 or any other provisions of ORS Chapter 244?
- (2) If the city's personnel manual contains the following as part of staff compensation, does ORS 244.040(2)(a) and related OAR 199-005-0005(3) apply?

*"Food, beverage, and other related items provided by the city to employees including any of their relatives or household members who are accompanying them during work-related events such as, but not limited to meetings, team building activities, and conferences, are provided as part of the employee's official compensation package."*

- (3) If an individual or multiple staff members provide the food and beverages at any of the above-described situations (i.e., potluck), and no city funds are utilized to purchase said food and beverage, if a city staff member consumes the food and beverages provided by other staff, do they violate ORS 244.025, or any other provisions of ORS Chapter 244?
- (4) The city wants to provide a meal for their elected officials for a gathering prior to a public meeting, for purposes not related to city business, but rather team building. Does an elected official who consumes the food or beverages provided by the city violate ORS 244.040, or any other provisions of ORS Chapter 244?
- (5) If individual city elected officials provide the food and beverage (i.e., potluck) during a gathering prior to a public meeting for purposes not related to city business but rather team building, does an elected official who consumes the food or beverages provided violate ORS 244.025, or any other provisions of ORS Chapter 244?

## **ANALYSIS:**

We first clarify that the Commission cannot provide guidance or opine on how a city chooses to allocate its resources, whether a city may lawfully provide food and beverages to its officials and employees in the scenarios described above, or whether any provision of such food and beverage is taxable. Rather, the Commission's guidance in this Opinion is limited to how the laws in ORS Chapter 244 would apply to a public official's acceptance of food and beverages in the circumstances described.

There are three separate laws that relate to whether a public official may accept food and beverage. The first is the use of office provisions set forth in ORS 244.040. The second and third relate are the gift laws and include ORS 244.020(7), defining "gift," and ORS 244.025, which establishes the gift limits. However, because ORS 244.040 incorporates the gift laws and its exceptions, your questions can be fully answered by analyzing ORS 244.040. See ORS 244.040(2)(e)-(g).

### **Use of Office Prohibitions**

ORS 244.040(1) provides that a public official may not use or attempt to use their office or position to obtain a financial gain or avoid a financial detriment, for themselves or for their relatives, household members, or any businesses with which they are associated, if that financial gain or avoidance of detriment would not otherwise be available but for the fact they hold their office or position. Importantly, the statute prohibits a public official from either using or attempting to use their office for personal gain. In other words, an attempt is sufficient to violate the statute.

When a public body offers its elected officials and employees something of value, the financial gain or avoidance of detriment is being made available to the officials and employees because they hold their positions as public officials with that public body. Under ORS 244.040, the default is that any acceptance of free food or beverage by virtue of one's position as a public official is a violation of ORS 244.040(1). However, ORS 244.040(2)(a) through (h) provides several exceptions to the general prohibition in ORS 244.040(1). The relevant exceptions in ORS 244.040(2) applicable to food and beverage consumed by a public official are subsections (a), (e), (f), and (g). These subsections establish that the use of office prohibitions do not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

\*

\*

\*

(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the

household of the public official from a source that could reasonably be known to have a legislative or administrative interest.

(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of “gift” in ORS 244.020.

Therefore, we analyze the relevant provisions in ORS 244.040(2) to determine if a public official may accept food and beverage.

#### **A. Official Compensation – ORS 244.040(2)(a)**

ORS 244.040(2)(a) allows a public official to accept “[a]ny part of an official compensation package as determined by the public body that the public official serves.” The Commission adopted a definition of “official compensation package” in OAR 199-008-0005(3), which provides:

The term “official compensation package” means the wages and other benefits provided to the public official. To be part of the public official’s “official compensation package”, the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. “Official compensation package” also includes the direct payment of a public official’s expenses by the public body, in accordance with the public body’s policies.

This administrative rule is consistent with Oregon’s employment laws and tax laws. See, e.g., ORS 652.210(1)(a)(“ ‘Compensation’ includes wages, salary, bonuses, benefits, fringe benefits and equity-based compensation.”); ORS 652.210(14)(“ ‘Wages’ means all compensation for performance of service by an employee for an employer, whether paid by the employer or another person, or paid in cash or any medium other than cash.”); ORS 653.010(10) (“ ‘Wages’ means compensation due to an employee by reason of employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as are permitted in ORS 653.035.”); ORS 653.010(11)(“ ‘Work time’ includes both time worked and time of authorized attendance.”); ORS 657.105 (1) (“\* \* \* ‘wages’ means all remuneration for employment, including the cash value, as determined by the Director of the Employment Department under the regulations of the director, of all remuneration paid

in any medium other than cash.”); ORS 653.035 (1) (“Employers may deduct from the minimum wage to be paid employees under ORS 653.025, 653.030 or 653.261, the fair market value of lodging, meals or other facilities or services furnished by the employer for the private benefit of the employee.”); IRC § section 3401(c) (an officer, employee, or elected official of government is an employee for income tax withholding purposes.)

As set forth in rule, “official compensation package” includes the “direct payment of a public official's expenses by the public body, in accordance with the public body's policies.” When a public body is paying for a meal for its officials or employees, the public body, acting as an employer, is paying the direct meal or beverage expenses for its officials or employees. Therefore, for the public official to be allowed to accept the food and beverage, the public body must have formally adopted a union contract, employment contract, policy, or other compensation authorization provision that authorizes the public official to accept the food and beverage provided by the public body.

Both ORS 244.040(2)(a) and OAR 199-008-0005(3) require the compensation to be determined by the “public body” that the public official serves. Requiring that a public official accept food and beverage only as provided by a policy or contract formally adopted by a public body is wholly consistent with the requirements of ORS Chapter 244 and the public trust ORS Chapter 244 is intended to protect. The broad policy of the ethics laws is to ensure that government employees do not gain personal financial advantage through their access to the assets and other attributes of government. See *Davidson v. Oregon Gov't Ethics Comm'n*, 300 Or 415, 422 (1985). We find no countervailing policy in ORS Chapter 244 that argues against a requirement that a public official accept food and beverage from its public body *only* when such compensation has been formally adopted by the public body. The concept of public trust extends to all matters within the duties of public office.

Therefore, if the public body adopted an ordinance, resolution, collective bargaining agreement, human resource policy, or applicable contract provision (Policies), authorizing the provision of food and beverage to its employees and elected officials, the employee or elected official is authorized to accept the food and beverage consistent with the Policies the public body adopted. The public official will need to review the applicable Policies authorizing their acceptance to determine if they can accept the food and beverage. If the public official accepts food and beverage that is not authorized by the Policies adopted by the public body, the public official violates ORS 244.040(1).

City elected officials would also need to be mindful of, and comply with, the conflicts of interest provisions in ORS 244.120(2) and ORS 244.020(1) and (13) when adopting any food and beverage policy that would or could apply to themselves as elected officials.

**B. Gifts and Gift Exceptions – ORS 244.040(2)(e), (f), and (g); ORS 244.020(7); and ORS 244.025.**

**1. Gift Laws Inapplicable to Employer Provided Food and Beverage.**

The gift laws and relevant gift exceptions in ORS 244.040(2)(e), (f), and (g), ORS 244.020(7), and ORS 244.025 are not applicable to the situation where a public official accepts food and beverage from their own public body. An analysis of Oregon Government Ethics law governing gifts and the relevant gift exceptions applies only when someone other than the public official's own public body provides the food and beverage. This is because, under ORS 244.020(7)(a), something qualifies as a "gift" if the thing provided is either "[w]ithout valuable consideration of equivalent value" or for "valuable consideration less than that required from others who are not public officials." ORS 244.020(7); See also, Honorable Fred W. Heard Honorable Grattan Kerans, 40 Or. Op. Atty. Gen. 371, p. 5-6 (1980) (whether something is a gift "requires that a determination be made whether the official provided something of substantially equivalent economic value in exchange, or whether the item received was available to non-public officials on the same terms.").

When a public body provides food and beverage to an employee or elected official, it is doing so in exchange for the valuable consideration of public service that the employee or elected official provides to the public body itself, which value far exceeds the value of the food and beverage provided. Additionally, when food and beverage is provided by a public body only to its public officials, the food and beverage is not available to non-public officials at all and not on the same terms. Therefore, the food and beverage provided by a public body to its own public officials is not a "gift" that should be analyzed under the gift laws. Rather, it is "compensation" and analyzed under the official compensation provisions in ORS 244.040(2)(a), as outlined above.

**2. Gift Laws Applicable to Food and Beverage.**

ORS 244.040(2)(e), (f), and (g) govern when a public official may accept food and beverage from a person, business, or other entity that are not the public body that the public official serves. ORS 244.040(2)(e), (f), and (g) cross-reference the gift provisions in ORS 244.020(7) and ORS 244.025. Therefore, we analyze those relevant provisions using the four-step process set forth below.

**Step 1 – Is the Food and Beverage Provided a "Gift?"**

The first step in the analysis of whether a public official may accept food and beverage from a person, business, or other entity (Source) is to determine whether the food and beverage being offered qualifies as a "gift" for purposes of ORS Chapter 244. ORS 244.020(7)(a) defines a gift as:

“Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

In other words, a “gift” is something of economic value given to a public official, or their relative or household member, without equivalent consideration or at a discount, and that is not offered to others who are not public officials on the same terms and conditions. Consequently, if the food and beverage being offered to the public official is being provided to non-public officials on the same terms and conditions, then the public official may accept the food and beverage, regardless of value. If it is not being offered to non-public officials on the same terms and conditions, then the food and beverage is a “gift” for purposes of ORS Chapter 244 and the public official must proceed to the next step of the analysis.

## **Step 2 – Is Food and Beverage Provided from a Source that has Given the Public Official \$50 or Less in Value in a Calendar Year?**

If the food and beverage being offered is a “gift,” then the next step in the analysis is to determine whether it is a gift that the public official can accept. ORS 244.040(2)(e) authorizes a public official to accept the food and beverage if the gift “do[es] not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.” ORS 244.025(1) provides that a public official, and their relatives or household members, may not solicit or receive any gift or gifts with an aggregate value in excess of \$50 in a calendar year from a Source that could reasonably be known to have a legislative or administrative interest in the public official’s decisions or votes. To determine the value, the public official must consult OAR 199-005-0005.

Therefore, the second step in the analysis requires the public official to determine the value of the food and beverage being provided, as well as the value of any other gifts that the public official received from that Source during the calendar year, using the method prescribed by OAR 199-005-0005. If the cumulative value of the food and beverage and all other gifts received from that Source during the calendar year is \$50 or less, the public official may accept the food and beverage from that Source. If, however, the cumulative value of the food and beverage and all other gifts received from that Source in a calendar



year exceeds \$50, then it is necessary for the public official to proceed to the third step in the analysis.

**Step 3 – Is the Food and Beverage from a Source Reasonably known to have a Legislative or Administrative Interest in the Public Official’s Decision or Votes?**

ORS 244.040(2)(e) prohibits a public official from accepting a gift if the cumulative value of all gifts from that Source exceeds \$50 in a calendar year *and* the source could reasonably be known to have a legislative or administrative interest. Likewise, ORS 244.040(2)(f) authorizes a public official to receive gifts “from a source that *could not* reasonably be known to have a legislative or administrative interest.” (emphasis added). Therefore, these two provisions together outline the third step of the analysis, which requires the public official to determine whether the source of the gift has a legislative or administrative interest.

The term “legislative or administrative interest” means an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official, acting in their official capacity. See ORS 244.020(10)(a). OAR 199-005-0003 provides examples of what constitutes a legislative or administrative interest and further clarifies that the term does not include “recommendations” made by the public official. By way of example, an entity that contracts with the city would have a legislative or administrative interest in city officials who approve the contract or vote on the budget; a person who owns residential or commercial property in a city would have a legislative or administrative interest in a planning commissioner or city councilor who could make land-use decisions concerning that property; and a city employee would have a legislative or administrative interest in the city administrator or city councilors, as those public officials could make decisions (on matters such as salary, promotions, or leave) that would have an economic impact on the employee.

When it comes to gifts provided by one’s colleagues, a key factor is whether the person receiving the gift is in a position where they could make a decision that could financially impact those colleagues providing the gift. In most cases, city staff could accept gifts from their colleagues because city staff are not in positions where they could make decisions that could financially impact their colleagues. For the same reasons, city staff could accept gifts from their supervisors, managers, the city administrator, or the city councilors (i.e., their appointing authorities). The analysis is different, however, when it is the appointing authorities who are accepting gifts from their employees or subordinates, as those employees could have legislative or administrative interests in the decisions that those appointing authorities could make.

The final aspect of Step 3 is the standard that must be used by a public official to determine whether the person providing the food and beverage has a legislative or administrative

interest in the public official's decision or votes. If it "could not reasonably be known" by the public official that the person has a legislative or administrative interest in the public official's decision or votes, then ORS 244.040(2)(e) and (f) would authorize the public official to accept the food and beverage, regardless of its value. In other words, the analysis is factually dependent under a reasonableness standard. If the facts establish that the public official could have reasonably known that the person providing the food and beverage has a legislative or administrative interest in the public official's decisions or votes, the public official is prohibited from accepting the food and beverage. The only exception to this prohibition is if gift exception applies, as described in Step 4.

#### **Step 4 – Does a Gift Exception Apply?**

ORS 244.040(2)(g) authorizes a public official to receive any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020. Therefore, the next step is for the public official to determine whether the food and beverage being provided falls within one of the gift exceptions in ORS 244.020. If it does, then the public official may accept the food and beverage, regardless of value.

ORS 244.020(7)(b) establishes a list of exceptions to the definition of gift. Many of the gift exceptions relate to food and beverage in specific circumstances. For purposes of this analysis, it appears the relevant gift exceptions are ORS 244.020(7)(b)(E), (I), and (L)

We examine each relevant exception separately.

#### **(E) - Food and Beverage Consumed by a Public Official At a Reception, Meal or Meeting.**

ORS 244.020(7)(b)(E) authorizes a public official to be provided food and beverage "at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117." Several administrative rules elucidate the meaning of this statute:

- First, OAR 199-005-0001(8) defines "reception" as "a social gathering." The rule goes on to explain that "[r]eceptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal."
- Second, OAR 199-005-0001(4) defines "Meeting" as "an event that includes multiple attendees who are members of an organization or members of the general public who have been invited to the event. The purpose or agenda for the meeting would be included in any advance notice of the event."



- Third, OAR 199-005-0001(6) defines “Organization” as “any public body, corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other entity other than an individual.”
- Fourth, OAR 199-005-0001(7) defines “representing government” as “a public official is representing a state or local government or a special government body when the public official attends an event on behalf of the government agency.” The rule then provides multiple examples of when a public official represents government, including a fire chief attending an event to honor protection services representatives who attends on behalf of the station in an official capacity and a department manager in their official capacity attending a conference sponsored by a vendor that sold products to the agency in the past.
- Fifth, OAR 199-005-0015, establishes a list of factors for consideration in determining compliance with ORS 244.020(7)(b)(E). Those factors include: “(1) A large number of people or groups are invited. For example, all members of an organization are invited. (2) The invitations or programs are sent in advance. (3) The event is publicized. (4) The reception, meal, or meeting is open to the public. [and] (5) Written materials such as a printed program are available.”
- Sixth, OAR 199-005-0015 specifically provides that “private meals where the participants engage in discussion” is not authorized.

Together, these statutes and rules authorize a public official to consume food and beverage if the public official is representing their government agency in an official capacity and they attend a reception, meal or meeting held by an organization that is not their employing government agency. However, private meals where the participants engage in discussion is prohibited. For example, a city councilor or city employee would be authorized to consume food and beverages when attending the local chamber of commerce breakfast. However, they would be prohibited from consuming food and beverage with a vendor at a private lunch meeting between only them and the vendor.

Importantly, and as detailed above, this analysis *does not* apply to the public body’s own public meetings or to the public body providing food and beverage to their own public officials. A public body’s provision of food and beverage to their own public officials is a form of “compensation,” not a gift, and must be analyzed under the official compensation provisions set forth in ORS 244.020(2)(a) as described in Section A above.

**(I) - Food or beverage consumed by a public official acting in an official capacity involving certain financial transactions.**

ORS 244.020(7)(b)(I) authorizes a public official acting in an official capacity to consume food and beverage while involved with certain financial transactions. Specifically, the consumption of food and beverage is not considered a gift if it is provided:

- (i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;
- (ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or
- (iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

A determination of whether this exception applies would be dependent on the factual circumstance. If the factual circumstances establish compliance with this section, the public official may consume the food and beverage provided. Given the limited nature of this provision, it will not be applicable to many public officials.

Like the other gift exceptions, this exception does not apply to the public body's own public meetings or to the public body providing food and beverage to their own public officials. A public body's provision of food and beverage to their own public officials is a form of "compensation," not a gift, and must be analyzed under the official compensation provisions set forth in ORS 244.020(2)(a) as described in Section A above.

**(L) - Food and beverage consumed at a reception and that is provided as an incidental part of the reception and no cost is placed on the food and beverage.**

ORS 244.020(7)(b)(L) authorizes a public official to consume food and beverage "at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage." As noted previously, OAR 199-005-0001(8) defines reception as "a social gathering" and provides that "[r]eceptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal." This exception is further clarified by OAR 199-005-0005(5), which establishes that food and beverage provided under this exception is permitted without regard to the fair market value of the food and beverage.

Under this exception, if the public official is attending a social gathering and the food and beverage does not include a sit-down meal, then the public official may accept the food and beverage. We note there is some overlap between ORS 244.020(7)(b)(E) and (L).

However, only ORS 244.020(7)(b)(E), outlined above, could allow the public official to consume the food and beverage if the event is a sit down meal or a meeting.

Like the exception in ORS 244.020(7)(b)(E), this exception does not apply to the public body's own public meetings or to the public body providing food and beverage to their own public officials. A public body's provision of food and beverage to their own public officials is a form of "compensation," not a gift, and must be analyzed under the official compensation provisions set forth in ORS 244.020(2)(a) as described in Section A above.

## **ANSWERS**

In light of the above analysis, the answers to your specific questions are as follows:

### **Questions (1) and (2)**

Question (1) asks whether city staff members accepting food and beverages provided by the city would violate ORS 244.040 or any other provision of ORS 244. Question (2) then asks whether the exception in ORS 244.040(2)(a) and OAR 199-008-0005(3) would apply if the city's personnel manual included the following policy statement:

*"Food, beverage, and other related items provided by the city to employees including any of their relatives or household members who are accompanying them during work-related events such as, but not limited to meetings, team building activities, and conferences, are provided as part of the employee's official compensation package."*

Assuming the policy was formally adopted by the public body as outlined above, city staff members may accept food and beverages paid for or provided by the city, consistent with the specifications of the policy. Such acceptance is authorized under ORS 244.040(2)(a). As for whether such actions may violate any other provisions in ORS Chapter 244, the facts you present do not allow us to analyze *all* of ORS Chapter 244. However, we note that it is certainly possible for factual circumstances involving the provision of food and beverage to implicate other violations. For instance, if the person in charge of purchasing the food for the city purchases the food from their relative's restaurant, such action may violate the use of office provisions in ORS 244.040 and the conflict of interest provisions in ORS 244.020. Likewise, if the compensation of the meal is taxable and a city human resources or finance employee in charge of ensuring the city complies with tax laws fails to report their own receipt of a meal, this action may violate ORS 244.040 as using their position to avoid a taxable gain. The determination of whether ORS 244 is violated is dependent on the particular factual circumstances involved.

Question (4)

Question (4) asks whether city elected officials may consume a meal at a gathering provided by the city prior to a public meeting. You indicate that the purpose of the gathering is not for conducting city business but rather for team building. You ask whether an elected official who accepts the city provided food and beverages at such an event would violate ORS 244.040 or any other provisions of ORS Chapter 244.

This analysis would also fall under ORS 244.040(1) and (2)(a). If the meal is authorized as part of the elected officials' official compensation packages, then the exception in ORS 244.040(2)(a) would apply and the elected officials could accept the city paid or provided meals. If the city has not adopted an official compensation package that includes meals for their elected officials, then accepting food and beverage violates ORS 244.040(1). If the city has not adopted an official compensation package that includes meals for their elected officials, but is thinking of doing so, city elected officials need to be mindful of, and comply with, the conflicts of interest provisions in ORS 244.120(2) and ORS 244.020(1) and (13) when adopting the official compensation policy.

Questions (3) and (5)

These two questions ask about city staff members and elected officials accepting food and beverages provided not by the city but by other city staff or officials, such as at a potluck. You ask whether the city staff members or the elected officials would violate ORS 244.025 or any other provisions in ORS Chapter 244 by accepting the food and beverages at such a potluck.

When the food and beverages are being provided by persons or entities other than an employing public body, the analysis falls under ORS 244.040(2)(e), (f), and (g). As explained above, each city staff and official attending the potluck would need to determine: (1) whether the food and beverage qualifies as a gift; (2) the value of the gift and the cumulative value of all other gifts received in the calendar year by the Source providing the food and beverage; (3) whether the Source providing the food and beverage could be reasonably known to have legislative or administrative interest in the city employee's or city official's decisions or votes; and (4) whether any of the gift exceptions apply.

As also noted above, for the majority of city employees, mere participation in a city potluck would not result in a violation of the statutes discussed above because the employees attending do not have a legislative or administrative interest in their fellow employees' decisions or votes. However, that is not the case for elected officials, supervisors, and managers who receive food and beverage from their subordinate public officials. Elected officials, supervisors, and managers will need to proceed through the steps above to determine if they can accept the food and beverage items provided at the potluck from their subordinates. That said, in the majority of circumstances an elected official, supervisor, or

manager participating in a potluck likely falls within the gift exception in ORS 244.020(7)(b)(L).

**THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PERSON SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY GOOD FAITH ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN.**

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 9<sup>th</sup> day of May, 2025.

*David M. Fiskum*

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David Fiskum, Chairperson

*Sean Brady*

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Sean T. Brady, Senior Assistant Attorney General

**RELEVANT STATUTES AND ADMINISTRATIVE RULES:** The following Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) are applicable to the issues that are addressed in this opinion:

ORS 244.020(7)(a): “Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

\* \* \* \* \*

ORS 244.020(7)(b): “Gift” does not mean:

\* \* \* \* \*

(E) Admission provided to or the cost of food or beverage consumed by a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(I) Food or beverage consumed by a public official acting in an official capacity:

(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or

(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

(L) Food or beverage consumed by a public official or candidate at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

ORS 244.020(10): “Legislative or administrative interest” means an economic interest, distinct from that of the general public, in:

(a) Any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official; or

(b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.

\* \* \* \* \*

ORS 244.020(11): "Member of the household" means any person who resides with the public official or candidate.

\* \* \* \* \*

ORS 244.020(15): "Public official" means the First Partner and any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

\* \* \* \* \*

ORS 244.020(16): "Relative" means:

(a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;

(b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;

(c) Any individual for whom the public official or candidate has a legal support obligation;

(d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or

(e) Any individual from whom the candidate receives benefits arising from that individual's employment.

\* \* \* \* \*

ORS 244.025(1) Gift Limit: During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

ORS 244.040 Prohibited use of official position or office; exceptions; other prohibited actions:

(1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial



detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

- (2) Subsection (1) of this section does not apply to:
- (a) Any part of an official compensation package as determined by the public body that the public official serves.  
\* \* \* \* \*
  - (e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.
  - (f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.
  - (g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

\* \* \* \* \*

OAR 199-005-0001 Definitions. The following definitions are provided for works or terms as they are used in ORS Chapter 244, especially in the exceptions to the definition of a gift in ORS 244.020(7)(b):

\* \* \* \* \*

(4) A "Meeting" is an event that includes multiple attendees who are members of an organization or members of the general public who have been invited to the event. The purpose or agenda for the meeting would be included in any advance notice of the event.

(5) "Official capacity" means that the public official attends an activity while engaged in duties or responsibilities that are customary to their office or position.

(6) "Organization" means any public body, corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other entity other than an individual.

(7) "Representing Government" means that a public official is representing a state or local government or a special government body when the public official attends an event on behalf of the government agency. The following examples are offered to illustrate the meaning of "representing government," but are not meant to be the only circumstances that would define representing government:

(a) A fire chief attends an event to honor protection services representatives and attends on behalf of the station in an official capacity.

(b) A department manager attends a conference being sponsored by a vendor that has in the past sold products to the agency in which the manager is employed. The



manager's official duties include the responsibility of attending conferences on behalf of the governing body.

(c) An executive director for a state agency attends ceremonial events; the director's official duties include representing the agency at such events.

(d) A state employee who works in the IT department whose responsibilities include reviewing and recommending software attends a workshop on software applications held by a professional membership organization.

(e) A planning commissioner speaks to a non-profit organization on behalf of the county planning department.

(f) A volunteer for a city park department attends an event representing the department at a meeting to discuss issues surrounding volunteerism.

(g) A legislator attends an event being sponsored by a Native American tribe on behalf of a legislative committee on which the legislator serves.

(h) A city councilor attends the local chamber of commerce breakfast.

(8) "Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.

OAR 199-008-0005(3) Definitions of terms in ORS Chapter 244:

(1) The purpose of this rule is to define certain terms and to clarify substantive provisions of ORS Chapter 244.

\* \* \* \* \*

(3) The term "official compensation package" means the wages and other benefits provided to the public official. To be part of the public official's "official compensation package", the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. "Official compensation package" also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2025-\_\_\_\_\_

COUNCIL DETERMINATION REGARDING  
ADOPTION OF PERSONNEL POLICIES;  
REPEAL OF RESOLUTION R2024-3439

WHEREAS, by Resolution R2024-3439, Council determined that except as noted below, it is appropriate for the City Manager to adopt the personnel policy manual in consultation with the Human Resources Director and legal counsel;

WHEREAS, Council has determined that Council should adopt only portions of the personnel policy manual that either directly impacts the Council and that Council is required or suggested to adopt pursuant to agreement, law or regulation;

WHEREAS, Council has adopted the relevant portions of the policy by Resolution R2025-3549;

WHEREAS, Council has determined that Resolution R2024-3439 should be repealed and a new Resolution should be adopted that includes non-gift food/drinks;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that in the future, Council shall adopt or amend the provisions of the personnel policy manual that relate to the following:

- a. Travel;
- b. Equal Employment Opportunity;
- c. Classification Review and Reclassification;

1           d.     Volunteers;

2           e.     Other Policies. Other policies or portions of policies applicable to Council  
3                 Members shall be approved by Council. These include, but are not limited to  
4                 electronic mail, social media, and building access policies.

5           BE IT FURTHER RESOLVED by the City Council of the City of Keizer that in  
6     the future, the following policies shall be adopted by either the City Council or City  
7     Manager as determined below:

8           a.     Compensation. Council approval is required for portions concerning  
9                 change in the level of benefits. Language concerning individual access to  
10                accruals, usage, etc. shall be adopted by the City Manager;

11          b.     City Faxes, Copiers and Other Office Equipment. Policies applicable to  
12                 the individual Council Members and the fee schedule shall be approved by  
13                 Council. All other provisions shall be adopted by the City Manager;

14          c.     Holiday, Vacation, Other Paid Leave Benefits. Council approval is  
15                 required for portions concerning the change in the level of benefits.  
16                 Language concerning individual access to accruals, usage, etc. shall be  
17                 adopted by the City Manager;

18          d.     Sick Leave Eligibility and Accrual. Council approval is required for  
19                 portions concerning change in the level of benefits. Language concerning  
20                 individual access to accruals, usage, etc. shall be adopted by the City  
21                 Manager;

1 e. Health Insurance Benefits. Council approval is required for portions  
2 concerning change in the level of benefits. Language concerning individual  
3 access to accruals, usage, etc. shall be adopted by the City Manager;

4 f. Retirement. Council approval is required for portions concerning change  
5 in the level of benefits. Language concerning individual access to accruals,  
6 usage, etc. shall be adopted by the City Manager.

7 g. Non-Gift Food/Drinks. The City Manager shall adopt policies for non-gift  
8 food/drinks on City premises that are for the benefit of the City.

9 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that all  
10 other personnel policies not referenced above shall be adopted by the City Manager and  
11 shall not require City Council approval.

12 BE IT FURTHER RESOLVED THAT Resolution R2024-3439 shall be repealed  
13 in its entirety.

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

16 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

17  
18 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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\_\_\_\_\_  
Mayor

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