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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 and cable-cast on Comcast Channel 23 within the Keizer City limits.



KEIZER PLANNING COMMISSION

Wednesday, November 12, 2025, 6:00 PM

Robert L. Simon Council Chambers

930 Chemawa Road NE

Keizer, Oregon

1. **CALL TO ORDER**
2. **SWEARING IN OF COMMISSIONERS ~ MATT LAWYER, JEREMY GRENZ, & LARRY SCRUGGS**
3. **ELECTION OF CHAIR & VICE CHAIR**
4. **APPROVAL OF MINUTES**
 - a. September 2025
5. **APPEARANCE OF INTERESTED PERSONS**

This time is made available for those who wish to speak about an issue that is not on the agenda.
6. **PUBLIC HEARING:**
 - a. Text Amendment Case 2025-17: Amending Keizer Code Appendix A - Development Code Section 2.110 - Commercial Mixed Use (related to auto-oriented uses)
7. **NEW-OLD BUSINESS/STAFF REPORT**
8. **COUNCIL REPRESENTATIVE REPORT**
9. **MEETING DATE CHANGE (2026)**
 - a. November 11, 2026 is Veteran's Day: Change meeting date to Nov. 4th (Wed), Nov. 18th (Wed), or cancel meeting?
10. **COMMISSIONER REPORTING TO COUNCIL: LINDSEY KING ON OCTOBER 20TH - 6PM**
11. **NEXT MEETING: DECEMBER 10TH**

12. ADJOURNMENT

“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.”



MINUTES
KEIZER PLANNING COMMISSION
Wednesday, September 10, 2025
Robert L. Simon Council Chambers
930 Chemawa Road NE
Keizer, Oregon

- 1. CALL TO ORDER** **CALL TO ORDER:** Chair Matt Lawyer called the meeting to order at 6:00 pm.

Present:

Matt Lawyer, Chair
Jeremy Grenz, Vice Chair
Lindsey King
Frank Hostler
Robb Witters

Council Liaison Present:

Councilor Juran

Youth Liaison Present:

Open Position

Absent:

Fernando Lopez
Sara Hutches

Staff Present:

Shane Witham, Planning Director
Dina Horner, Assistant Planner
Joseph Lindsay, City Attorney
Dawn Wilson, Deputy City Recorder

2. APPROVAL OF MINUTES

- a. June 2025** Commissioner Robb Witters moved for approval of the June 2025 Minutes as presented. Commissioner Lindsey King seconded. Motion passed unanimously as follows: Lawyer, King, Hostler, Grenz, and Witters in favor with Lopez and Hutches absent.

- 3. APPEARANCE OF INTERESTED PERSONS** There were no interested persons.

4. PUBLIC HEARING:

- a. Minor Variance Case 2025-11: 6955 Fir Grove Lane** At 6:02 p.m. Chair Lawyer opened a Public Hearing on Minor Variance Case 2025-11 at 6955 Fir Grove Lane.

City Attorney Joseph Lindsay read the applicable substantive criteria for the Commissioners to make their decision as follows:

1. The requested variance has to be consistent with the purpose and intent of the code.

2. The impact of the variance would not unreasonably impact adjacent, existing or planned uses in development.
3. The minor variance cannot exceed the standard by more than 20 percent, and it must achieve the purpose of the minor variance.
4. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

Mr. Lindsay shared that the Commissioners need to bring up fairness issues so the public could respond.

Mr. Lindsay shared that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue could also preclude an action for damages in Circuit Court.

Mr. Lindsay asked the Commissioners if anyone had a conflict of interest, and there were none. Mr. Lindsay asked if the Commissioners had any other bias or ex parte contact. Chair Lawyer shared that he lived one street away from the applicant's address, he had no exposure to the project, and he didn't know the applicant. Mr. Lawyer noted that he does not have a bias.

Mr. Lindsay noted that prior to closing the hearing, participants would need to state any objections to bias, ex parte contacts, or conflicts of interest. Mr. Lindsay commented that none were heard.

Chair Lawyer read the hearing format instructions.

Planning Director Shane Witham summarized the staff report. The variance was requested strictly for the size. If there were a private drive, then there could be some development of the site. The Planning Department added some conditions. Mr. Witham recommended that the Commissioners review the criteria and encouraged questions.

Commissioner Grenz asked about the size of the easements. Mr. Witham confirmed that this was proposed as an accessory structure like a shop building and not an Accessory Dwelling Unit (ADU).

Maxwell Scott, Keizer, shared that he was the applicant and property owner for the variance. He explained the need for the variance. He shared that all of his neighbors expressed support for the variance. He expressed appreciation for the Planning Commissioners.

Chair Lawyer asked the audience if anyone wanted to speak in favor, in opposition, or otherwise for rebuttal. There were no responses.

Commissioner Hostler asked questions about the intended use of the structure, and Mr. Scott verified that the structure would be a shop used for storage and a work area. Mr. Witham clarified that this variance was specific

to an accessory structure, so the conditions that staff was proposing would allow for a building as long as it met the conditions of an accessory structure.

Chair Lawyer closed the public hearing at 6:22 p.m.

Commissioner King moved the Planning Commission to direct staff to prepare an Order approving Minor Variance Case 2025-11 as outlined in the staff recommendation. Commissioner Grenz seconded. Motion passed unanimously as follows: Lawyer, King, Hostler, Grenz, and Witters in favor with Lopez and Hutches absent.

Mr. Witham confirmed that upon the formal Order being adopted by the Planning Commission and signed, then the appeal process would commence. There would be no Department of Land Conservation and Development (DLCD) notification requirement.

Chair Lawyer noted that the Planning Commission could meet again before the next month's regular meeting to approve the Order, so the favorable variance could begin sooner.

Mr. Lindsay noted that since the Order was in the packet with no changes that the Commissioners could vote to empower the Chair to sign the Order as adopted.

Chair Lawyer motioned to consider an item that was not on the agenda and add to the agenda this evening the adoption of Minor Variance Case 2025-11, 6955 Fir Grove Lane. Commissioner King seconded. Motion passed unanimously as follows: Lawyer, King, Hostler, Grenz, and Witters in favor with Lopez and Hutches absent.

Mr. Lindsay clarified that on page 9 of the packet, the Order would read: "Planning Commission Final Conclusion, Findings, and Order."

Commissioner Witters motioned that the staff recommendation to the Planning Commission be adopted as a Final Order for Minor Variance Case 2025-11 to be signed by Chair Lawyer at the appropriate time. Commissioner Grenz seconded. Motion passed unanimously as follows: Lawyer, King, Hostler, Grenz, and Witters in favor with Lopez and Hutches absent.

Mr. Lindsay confirmed that if there was an appeal, it would go before the City Council and that the City Council could remand it back to the Planning Commission.

**5. NEW-OLD
BUSINESS/STAFF
REPORT**

Planning Director Shane Witham shared there have been activities and a re-roof that turned into a re-build on River Road. Mr. Witham shared that Shari's building would be remodeled and landscaping would be cleaned up.

Mr. Witham shared that the last permits have been applied for in Area A of Keizer Station.

Mr. Witham talked about housing being built and that there were four single-family, detached homes since 2024.

Mr. Witham shared that informational signs about Rosalie's Silly Cows and the prior Herber farm were being installed as part of the Verda Crossing conditions.

Mr. Witham shared that the perspective developer of the Ila-Vey property on River Road, near Manzanita and McNary Estates Drive, wanted to have a neighborhood meeting at the Keizer Event Center. Mr. Witham clarified that this meeting was something the developer was arranging with the neighbors prior to formalizing an application. This meeting was not a City meeting, and it has nothing to do with the City. Mr. Witham asked the Commissioners to be mindful of possible ex parte contact and to declare any substantive discussions with the neighbors because this would be a master plan public hearing.

Mr. Witham shared that as a result of passed rule changes to enact Rule 458, the City received the first requests from Middle-Housing Land Divisions for a builder who would be building duplexes on Oppek Street and had applied for Middle-Housing Land Divisions. This would allow for each of the halves of each duplex to be owned separately.

6. COUNCIL REPRESENTATIVE REPORT

Councilor Juran Kyle shared that Commissioners Lawyer and Grenz were re-appointed and Larry Scruggs was appointed by the Council to serve on the Planning Commission.

Chair Lawyer expressed appreciation for Commissioner Sara Hatches' work, perspective, and willingness to serve on the Planning Commission.

7. COMMISSIONER REPORTING TO COUNCIL: Jeremy Grenz on October 6th - 6pm

Jeremy Grenz would report to City Council on October 6th.

8. NEXT MEETING: October 8th

9. ADJOURNMENT Meeting adjourned: 6:54 p.m.

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: Planning Commission

From: Shane Witham, Planning Director

Subject: Text Amendment: Amending Keizer Code Appendix A - Development Code
Section 2.110 - Commercial Mixed Use (related to auto-oriented uses)

Proposed Motion

I move the Planning Commission recommend approval of the proposed text amendments to City Council with changes as discussed, along with any other identified changes necessary to maintain consistency within the Keizer Code.

I. Summary

The proposed text amendment will modify the Code to allow for additional auto-oriented uses (as a Conditional Use) within the Commercial Mixed Use (CM) zone in Keizer Station Area B. The proposed changes will only apply to the land located on the east side of Keizer Station Boulevard. Previously, the code was modified to allow for a drive-through window or car service associated with eating and drinking places in this same area.

Staff encourages the Commission to consider if the proposed additional uses are appropriate for this area, or if there are specific uses that should not be included. Previously, there was discussion on whether specific mitigation measures or design standards should be required and language was included to address screening and buffering, access, and traffic impacts. The proposed language retains those provisions and simply adds additional optional uses beyond just the drive-through restaurant use. The proposed additional uses include: *Automobile parking not associated with an allowed use (SIC 752), Automotive services, except repair (SIC 754), Vehicle sales and secondary repair, and Automotive dealers (SIC 55)*. The draft text changes are attached.

II. Background

- A. The Commercial Mixed Use (CM) zone (Section 2.110) has historically included "use restrictions" limiting specific uses within a specified area located near Chemawa and River Road. This area, near the intersection of Chemawa and River Road, was established in the 90s to alleviate concerns around traffic and congestion, as well as aesthetics. When the Keizer Station Plan was developed and adopted in the early 2000s, the same list of restricted uses was included for the properties located within Area B. 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 were restricted within the identified "Centers" to only be allowed through a Conditional Use Permit.

- B. On May 21, 2025, the Planning Commission held a public hearing to consider proposed changes to the CM zone, which ultimately resulted in the City Council adopting changes to allow a drive-through restaurant use as a Conditional Use in Area B on the east side of Keizer Station Boulevard. The ordinance adopting the changes is attached for your reference. The City Council held 2 public hearings on this matter. In addition to the public hearings, a neighborhood meeting was held regarding this issue, prior to Council approving the previous change. The City Council adopted the change to allow for the drive-thru restaurant use on August 4, 2025. This previous process was driven by a request from Raising Cane's and Clutch Industries, but after the adoption of those changes, the purchase and sale agreements were terminated.
- C. The City has received interest from a new developer (CPD Real Co, LLC on behalf of Happy's Car Wash and Oilstop) wishing to locate on the property. A letter of intent was authorized by the City Council, along with the passing of Resolution R2025-3619, which initiated the text amendment process to consider additional "auto-oriented" uses. The Resolution initiating the text amendment is attached for your reference.
- D. The letter of intent, as well as the passing of Resolution R2025-3619 does not obligate the City to take any specific action. Properties developed within the Keizer Station Area are required to be consistent with the adopted Master Plan for the subject area. This means future land use actions will have to be taken prior to establishing any of these uses, since they are not currently part of the adopted master plan for Area B.

III. Current Situation

- A. Currently, the City is negotiating the purchase and sale agreement for the City-owned property located on the east side of Keizer Station Boulevard. A letter of intent was authorized by City Council at the October 6, 2025 meeting and Resolution R2025-3619 was passed initiating a new text amendment process to consider allowing additional auto-oriented uses. The property this amendment affects is limited to Area B of the Keizer Station, for property on the east side of Keizer Station Boulevard, which has remained undeveloped for many years. The City of Keizer owns the property that is currently vacant, while the other property in this area is developed with the Transit Center.
- B. Planning Commission is being asked to consider whether to recommend the approval of changes that would allow for additional auto-oriented uses as a Conditional Use in the CM zone. This would not guarantee the development of these use types, nor would 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. The proposed change identifies specific uses as a Conditional Use in the zone.
- C. This issue is now before the Planning Commission for consideration through the public hearing process. The proposed text changes are attached for your

consideration. The proposed changes will modify Keizer Code Appendix A, Section 2.110.04 and Section 2.110.05.

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 sold, which is an identified goal of the City Council.
- B. **Financial** - None
- C. **Timing** - The public hearing has been noticed and identified as the time for Planning Commission 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. Recommend approval of the proposed changes to City Council for consideration
- B. Recommend approval of the proposed changes with any identified modifications to the City Council for consideration. This could include only allowing certain uses as a Conditional Use, or include additional provisions to address specific concerns that Planning Commission might have.
- C. Recommend making no change to City Council

VI. **Recommendation**

Staff recommends that Planning Commission consider the proposed changes and recommend approval of the proposed changes with identified modifications to City Council for consideration.

Attachments

1. PC_Draft-TextAmendment-Sec._2.110.04.____Conditional_uses
2. PC_Draft_TextAmendment-Sec._2.110.05.____Use_restrictions
3. RES_CC_Initiating Text Amendment_R2025-3619_2025-10-06
4. CouncilAdopted-Ordinance-08-04-25

“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. 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. ~~Drive-through windows or car service associated with eating and drinking places (58)~~ The following uses may be allowed conditionally on the east side of Keizer Station Boulevard in Keizer Station Area B-: (7/25)
 - 1. Drive-through windows or car service associated with eating and drinking places (58).
 - 2. Automobile parking not associated with an allowed use (752).
 - 3. Automotive services, except repair (754).
 - 4. Vehicle sales and secondary repair.
 - 5. Automotive dealers (55).

In addition to the conditional use criteria found in Section 3.103.03, the following requirements must be satisfied: (7/25)

- 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. (7/25)
- 2. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts. (7/25)
- 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. (7/25)

(Ord. No. 2025-899, § 1(exh. A), 8-4-2025)

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 contained within the Area B as described in the Keizer Station Plan. (7/25)
 - 1. Gasoline service stations (554), except as provided in section 2.110.04.C. (9/17)
 - 2. ~~Vehicle sales and secondary repair. (5/98)~~
 - 3. Public utility structures and buildings. (5/98)
 - 4. Recreational vehicle parks (7033). (5/98)
 - 5. ~~Automobile parking not associated with an allowed use (752). (5/98)~~
 - 6. ~~Automotive dealers (55). (5/98)~~
 - 7. Automotive rental and leasing, without drivers (751). (5/98)
 - 8. Automotive repair shops (753). (5/98)
 - 9. ~~Automotive services, except repair (754). (5/98)~~
 - 10. 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)

(Ord. No. 2025-899, § 1(exh. A), 8-4-2025)

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

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3 Resolution R2025- 3619
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6 INITIATING LEGISLATIVE AMENDMENTS TO THE KEIZER
7 CODE, APPENDIX A TO CONSIDER AMENDING SECTION 2.110.04
8 AND SECTION 2.110.05 AND OTHER RELEVANT SECTIONS TO
9 ALLOW AUTO-RELATED BUSINESS IN AREA B – KEIZER
10 STATION PLAN IN THE AREA BY THE TRANSIT STATION
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13 WHEREAS, the City Council of the City of Keizer considers it necessary and
14 appropriate to initiate the legislative amendment process to review and possibly revise
15 certain portions of the Keizer Development Code;

16 NOW, THEREFORE,

17 BE IT RESOLVED that pursuant to KDC 3.111.02 and 3.203.01, the City
18 Council of the Keizer hereby initiates the legislative amendment process to review the
19 following Keizer Development Code sections and determine possible amendments:

20 1. KDC Section 2.110.04 regarding allowances and restrictions for applying
21 for a conditional use.

22 2. KDC Section 2.110.05 regarding revision of the use restrictions relating to
23 an auto-related business in Area B – Keizer Station Plan in the parcels located by the
24 transit station.

25 BE IT FURTHER RESOLVED that planning staff is directed to send appropriate
26 notice to the Department of Land Conservation and Development and any other affected
27 agencies and jurisdictions in a manner appropriate and necessary under state law.

Page 1 - RESOLUTION NO. 2025- 3619

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

1 Planning staff is delegated the authority to draft proposed text amendments for notice
2 purposes.

3 BE IT FURTHER RESOLVED that any notice shall state that additional
4 amendments to other sections of the Keizer Development Code that are related to the
5 above referenced proposed amendments shall also be considered and possibly adopted.

6 BE IT FURTHER RESOLVED that the Keizer Planning Commission is
7 requested to schedule the matter for public hearing as provided in state and local law.

8 PASSED this 6th day of October, 2025.

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10 SIGNED this 6th day of October, 2025.

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Cathy Clark
Mayor

Melissa Bisset
City Recorder

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A BILL

ORDINANCE NO.

2025- 899

FOR

AN ORDINANCE

RELATING TO AUTO-ORIENTED USES IN
KEIZER STATION AREA B; AMENDING KEIZER
CODE APPENDIX A, SECTION 2.110.04 AND
SECTION 2.110.05

The City of Keizer ordains as follows:

Section 1. Keizer Code Appendix A is hereby amended at Section 2.110.04 and Section 2.110.05 as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

Section 2. This is a legislative land use amendment. Findings demonstrating compliance with the applicable criteria are set forth in Exhibit B, which is attached hereto and incorporated herein by reference.

Section 3. 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;

1 (e) Substitute the proper subsection, section or chapter, or other division
2 numbers;

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

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

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

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

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

11 PASSED this 4th day of August, 2025.

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13 SIGNED this 4th day of August, 2025.

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Cathy Clark
Mayor

M. Elise Bisset
City Recorder

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)~~

~~CD. Drive-through windows or car service associated with eating and drinking places (58) may be allowed conditionally on the east side of Keizer Station Boulevard in Keizer Station Area B. (7/2025)~~

~~In addition to the following requirements, the use must satisfy the conditional use criteria found in Section 3.103.03, the following requirements must be satisfied: (7/2025)~~

- ~~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) (7/2025)~~
- ~~2. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts. (9/17) (7/2025)~~
- ~~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) (7/2025)~~

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) (7/2025)~~
 - 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~~2. Vehicle sales and secondary repair. (5/98)
 - ~~4~~3. Public utility structures and buildings. (5/98)
 - ~~5~~4. Recreational vehicle parks (7033). (5/98)
 - ~~6~~5. Automobile parking not associated with an allowed use (752). (5/98)
 - ~~7~~6. Automotive dealers (55). (5/98)
 - ~~8~~7. Automotive rental and leasing, without drivers (751). (5/98)
 - ~~9~~8. Automotive repair shops (753). (5/98)
 - ~~10~~9. Automotive services, except repair (754). (5/98)
 - ~~11~~10. 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)

EXHIBIT “B”

Findings regarding the adoption of amendments to Keizer Code Appendix A, Section 2.110 Commercial Mixed Use (CM) of the Keizer Development Code (KDC).

The City of Keizer finds that:

1. General Findings.
The particulars of this case are found within Planning file Text Amendment 2025-06. Public hearings were held before the Planning Commission on May 21, 2025 and before the City Council on June 16, 2025. Both the Planning Commission and the City Council voted in favor of the proposed revisions.
2. Criteria for approval are found in Section 3.111.04 of the Keizer Development Code. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the criteria are met. Amendments to the map shall be reviewed for compliance with all of the listed criteria in Section 3.1104, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given this is a text amendment, Section 3.111.04 A is not applicable.

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

Findings: The proposed revisions to the zone code reflect a demonstrated need. Both the Planning Commission and City Council held public hearings to consider the proposed changes. Ultimately, Council directed staff to prepare an ordinance for adoption of the proposed changes to allow *drive-thru windows or car service associated with eating and drinking places* as a conditional use. Therefore, this proposal complies with this review criterion.

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

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

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes newspaper. Public hearings were held before the Planning Commission and before the City Council. Citizens were afforded the opportunity to participate in the public process. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this proposed planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

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

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city’s SA zone is a state recognized EFU qualifying zone. The changes do not affect farm lands, but rather modify the Commercial Mixed Use (CM) zone. These provisions do not affect lands that are outside the city limits or any lawful uses occurring on those lands, nor does it amend any of those existing zoning designations. The proposed amendments will comply with the Farm Land Goal and with implementing administrative rules.

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

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

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

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

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

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

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

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The proposed revisions do not affect the land supply in any way and only affect the Commercial Mixed Use (CM) zone, not residentially zoned land. The CM zone allows for residential uses, and the proposed changes do not restrict the ability for residential development. Therefore, the proposal is consistent with this goal.

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

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city’s transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The proposed text amendment will not affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The proposed text amendments will have no adverse impact on the city’s transportation systems and will not affect this goal or any implementing rules. It should be noted that at the time of development, traffic impacts will be considered through a quasi-judicial land use review process to assure that any impacts are mitigated appropriately.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed text amendments will have no impact on this goal or any of the implementing administrative rules.

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

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

lands along the Willamette River. The revisions to the city's development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River Greenway Management overlay zone regulations. Therefore, the proposed amendments are consistent with this goal.

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

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

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**
- a. It corrects identified error(s) in the previous plan.
 - b. It represents a logical implementation of the plan.
 - c. It is mandated by changes in federal, state, or local law.
 - d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed text amendments will revise the Keizer Code. The changes proposed will allow *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. The change will allow for the possibility of future development of the site and the City Council has, by this adoption, determined the proposed text revisions are desirable, appropriate, and proper. As such, staff finds the proposal complies with this criterion.

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