



KEIZER PLANNING COMMISSION MEETING AGENDA

Wednesday, February 14, 2018 @ 6:00 p.m.

Keizer Civic Center Council Chambers

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES** – January 2018
- 3. APPEARANCE OF INTERESTED CITIZENS**
This time is made available for those who wish to speak about an issue that is not on the agenda.
- 4. PUBLIC HEARING:** To consider proposed revisions to the Keizer Development Code to amend Section 3.101 (Summary of Application Types), Section 3.113 (Keizer Station Master Plan Review), and Section 3.202 (General Procedures) to create a process and criteria for a “Master Plan Amendment” for minor changes to a previously adopted master plan.
- 5. NEW-OLD BUSINESS/STAFF REPORT**
- 6. COUNCIL LIAISON REPORT**
- 7. YOUTH COMMITTEE LIAISON REPORT**
- 8. COUNCIL REPRESENTATIVE:** Josh Eggleston – TUESDAY, February 20
- 9. ADJOURN**

Next Meeting ~ March 14, 2018

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**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, January 10, 2018 @ 6:00 pm
Keizer Civic Center**

CALL TO ORDER

Chair Hersch Sangster called the meeting to order at 6:08 pm.

ROLL CALL:

Present:

Hersch Sangster, Chair
Kyle Juran, Vice Chair
Josh Eggleston
Michael DeBlasi
Garry Whalen
Crystal Wilson
Matt Lawyer
Isaac Matthews, Youth Liaison

Council Liaison:

Marlene Parsons ~ Excused

Staff Present:

Nate Brown, Community Development Director
Shane Witham, Senior Planner
Dina Russell, Associate Planner
Shannon Johnson, City Attorney

APPROVAL OF MINUTES: Commissioner DeBlasi moved for approval of the November and December 2017 Regular Session Minutes. Commissioner Eggleston seconded. Motion passed as follows: Sangster, Juran, Eggleston, DeBlasi, Wilson and Whalen in favor with Lawyer abstaining.

APPEARANCE OF INTERESTED CITIZENS: None

NEW/OLD BUSINESS/STAFF REPORT

- a. **Legal Issues Training:** City Attorney Shannon Johnson provided training regarding legal issues as they would relate to the Planning Commission.
- b. **2018 Work Program:** Senior Planner Shane Witham provided a summary of the proposed work plan and provided details on each of the bullet points. Commissioners suggested that some of the items be combined and addressed at one meeting. Discussion also took place regarding the possibility of updating the local wetland inventory and options related to expansion of the urban growth boundary. Community Development Director Nate Brown indicated that the "Cost of Growth" study will help determine the best option.

Commissioners asked City Attorney Shannon Johnson to provide a definition of the number for affordable housing and how that is decided.

COUNCIL LIAISON REPORT: Councilor Parsons was not in attendance.

YOUTH COMMITTEE LIAISON REPORT: Youth Councilor Matthews had left the meeting by this time.

COUNCIL REPRESENTATIVE: Commissioner Wilson will report at the January 16 Council meeting.

ADJOURN: The meeting adjourned at 8:00 pm.

Next Meeting: February 14, 2018

Minutes approved: _____

3.101 SUMMARY OF APPLICATION TYPES

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

3.101.01 Type I Action - Summary

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

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

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

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

3.101.02 Type II Actions - Summary

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

Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Planning Commission shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (06/11)

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

3.101.03 Type III Actions - Summary

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

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

E. Keizer Station Master Plan Amendments

3.101.04 Type IV Actions - Summary

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

- A. Text Amendments to the Comprehensive Plan (5/98)

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

LAND USE APPLICATION PROCESS (6/16)

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

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Nursing and Residential Care Facilities (06/11)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Cottage Cluster Development as a Conditional Use (6/14)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Alternative Design Review for Accessory Residential Housing (Front Yard) (6/15)	I-C	Recommendation to Planning Commission		Final Decision	Appeal of Planning Commission Decision
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Review	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
<u>Keizer Station Master Plan Review Amendment</u>	<u>III</u>	<u>Recommendation to City Council</u>			<u>Final Decision</u>
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

3.113 KEIZER STATION MASTER PLAN REVIEW

3.113.01 Area of Application

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

3.113.02 Review Procedures

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

Type III actions follow the procedures found in Section ~~3.204.023.202.04~~. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission which then makes a recommendation to the City Council for public hearing and final decision ~~bypassing the Hearings Officer~~. In the case of an amendment to a previously approved master plan, the Zoning Administrator shall make a recommendation to the City Council for public hearing, bypassing the Planning Commission. Public notice and a public hearing are provided. Section ~~3.2023.204.02~~ lists the notice requirements. Section 3.205 and 3.206 sets forth the hearings process. (4/10)

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

3.113.03 Submittal Requirements

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

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

3.113.04 Review Criteria

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

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

3. Utility standards (2/03)
4. Parking standards (2/03)
5. Landscape standards (2/03)

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

C. Development Strategies (4/10)

1. Pedestrian Access, Safety and Comfort (2/03)
 - a. To ensure safe, direct, and convenient pedestrian circulation, development, shall provide a continuous pedestrian and/or multi-use path system. (4/10)
 - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (2/03)
 - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (2/03)
 - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (2/03)
 - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (2/03)
 - f. For driveways that service more than 100 parking spaces, shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code. (4/10)
 - g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)
2. Crime Prevention and Security (2/03)

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

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (2/03)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (2/03)
- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (2/03)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (2/03)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

3. Reduced Parking (2/03)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (2/03)

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

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

5. Human Scaled Building Design (2/03)

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (2/03)

6. Request for Reallocation of Retail Square Footage Limit

The Keizer Station Plan (as amended) allows an applicant to request a reallocation of the retail square footage limits in the context of a master plan ~~or master plan amendment application~~. If an applicant is requesting such reallocation, the applicant shall comply with the following criteria: (06/10)

- 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 as that TIA now exists or as it may from time to time be amended (Keizer Station TIA unless additional mitigation beyond that specified in the Keizer Station TIA is required to make such identified traffic impacts consistent with the Level of Service and volume/capacity Standards in the Keizer Station TIA; (06/10)
- b. The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area; (06/10)
- c. Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. (06/10)
- 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. (06/10)

- e. Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation. (06/10)

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. ~~In other words, a reallocation can reduce the square footage for another Area, but not below the restricted use levels approved in the Master Plan for that Area.~~ (06/10)

3.113.05 Conditions of Approval

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

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (2/03)
 - 1. Orienting building and facilities towards transit services. (2/03)
 - 2. Minimizing transit/auto conflicts. (2/03)
 - 3. Encouraging transit supportive uses. (2/03)
 - 4. Minimizing walking distance to transit stops. (2/03)
 - 5. Avoiding excess parking areas. (2/03)
 - 6. Encouraging shared parking and structures or under-structure parking.
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (2/03)
 - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (2/03)
 - 2. Separating auto and truck circulation and activities from pedestrian areas. (2/03)
 - 3. Pedestrian-oriented design. (2/03)
 - 4. Pedestrian amenities. (2/03)
 - 5. Bicycle parking. (2/03)

6. Outdoor lighting. (2/03)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (2/03)
1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (2/03)
 2. Siting and orientation of land uses. (2/03)
 3. Frontage roads or shared access. (2/03)
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require: (2/03)
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (2/03)
 2. Buffering of adjacent residential uses. (2/03)
- E. Other Conditions. The Council may impose other conditions of approval it deems appropriate for the health, safety, and welfare of the citizens of Keizer or to ensure the desired implementation of the approved master plan. (2/03)
- F. Traffic Impact. To minimize congestion and traffic impact within the development and in adjacent areas. (2/03)

3.113.06 Master Plan Amendment Process

Amendments to an adopted Master Plan may be allowed subject to the provisions of this Section.

A. Applicability. The amendment process is limited to the following:

1. Site plan changes that have no increase to overall square footage allowed in the existing Master Plan and cause no increase in the overall vehicle trips generated. For example, an amendment could be a change in the number of buildings and their location.
2. Landscaping design changes.
3. Changes to building design.

Any other proposed changes to any adopted Master Plan shall be processed as a new Master Plan application.

B. Application Submittal Requirements:

1. All changes to any items identified in Section 3.113.03.
2. A written explanation demonstrating how the proposed amendment is generally consistent with the adopted Master Plan.
3. A transportation analysis demonstrating consistency with the adopted Master Plan Traffic Impact Analysis (TIA).
4. An overall Master Site Plan which includes details for the subject area of change as well as the incorporation of those changes into the entire Master Plan Area.

C. Review Criteria:

1. All applicable review criteria of Section 3.113.04 considering the type and extent of the proposed amendment.
2. The amendment is consistent with the adopted Master Plan, or achieves an equally desirable result.
3. The amendment does not result in additional traffic generation and is consistent with the adopted Traffic Impact Analysis.

D. Conditions of Approval:

1. All original conditions of the adopted Master Plan shall remain in effect unless specifically modified.
2. Additional conditions may be placed for any Master Plan Amendment to assure the objectives in Section 3.113.05 are achieved.

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

3.202.01 Procedure for Type I-A Review

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

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

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

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

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

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

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

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

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

3.202.03 Procedure for Type I-C Review

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

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

3.202.04 Procedures for Type II and Type III Actions

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

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

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

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

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

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)
- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire districts, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of Environmental Quality, The Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (6/14)

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

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

3.202.05 Special Procedural Requirements

A. 120 Day Time Limit

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

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

B. Performance and Maintenance Bonding (2/01)

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

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