



KEIZER PLANNING COMMISSION MEETING AGENDA

***Wednesday, May 8, 2019 @ 6:00 p.m.
Keizer Civic Center Council Chambers***

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES - April 2019**
- 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. CONTINUATION OF PUBLIC HEARING: PROPOSED TEXT AMENDMENT - Section 2.118 Urban Transition (UT)**
- 5. PUBLIC HEARING: PROPOSED TEXT AMENDMENT - Section 2.108 (Commercial Office) and Section 2.115 (Agricultural Industrial) to allow operation of mobile food vendors in those zones and to amend Section 2.434 (Mobile Food Vendors) to clarify the requirements for mobile food vendor placement consistent with the recently modified City ordinance governing mobile food vendors.**
- 6. NEW-OLD BUSINESS/STAFF REPORT**
- 7. COUNCIL LIAISON REPORT**
- 8. YOUTH COMMITTEE LIAISON REPORT**
- 9. COUNCIL REPRESENTATIVE: Kyle Juran, Monday, May 20**
- 10. ADJOURN**

Next Meeting ~ June 12, 2019

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**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, April 11, 2019 @ 6:00 pm
Keizer Civic Center**

CALL TO ORDER

Chair Garry Whalen called the meeting to order at 6:04 pm.

ROLL CALL:

Present:

Garry Whalen, Chair
Mark Caillier
Michael DeBlasi
Kyle Juran
Matt Lawyer
Jeffrey Watson
Youth Liaison Christopher Wolfert

Absent:

Crystal Wilson, Vice Chair

Council Liaison Present:

Mayor Clark for Councilor Freeman

Staff Present:

Nate Brown, Community Development Director
Shane Witham, Senior Planner

VOLUNTEER APPRECIATION: Daisy Hickman, on behalf of the Volunteer Coordinating Committee, thanked the Commissioners for their commitment and dedication to the city as shown through their continued volunteer efforts and distributed cookies as a token of appreciation.

APPROVAL OF MINUTES: Commissioner DeBlasi moved for approval of the March 2019 Minutes. Commissioner Lawyer seconded. Motion passed as follows: Whalen, Juran, DeBlasi, Caillier, Watson and Lawyer in favor with Wilson absent.

APPEARANCE OF INTERESTED CITIZENS: None

PUBLIC HEARING: Proposed Text Amendments - Section 2.118 Urban Transition (UT) *Chair Whalen re-opened the public hearing.*

Senior Planner Shane Witham provided background information relating to the previous meeting noting that postcards were sent to 111 property owners that would be effected by a change of zoning of the properties currently zoned UT along with a 4-question survey. 15 survey responses were received but the results were not as helpful as staff had hoped they would be. He stressed the importance of protecting the ability for UT parcels to achieve some future development, if those property owners desire, noting that the intent of the proposed changes is to make it easier to administer the Code.

Community Development Director Nate Brown explained that it is the intent of staff to allow orderly development that does not block access or further development and to eliminate the need for a conditional use permit when adding a room to an

existing house in the UT zone. The proposed changes preserve connectivity and access.

City Attorney Shannon Johnson described his concerns with the proposed changes in Section 2.118.05 and noted that the UT zone was not supposed to be forever, it was supposed to be developed.

All three staff members outlined different options available to the Planning Commission.

A summary of the options follows:

1. All properties would remain in the UT zone. Properties over ½ acre would have specific requirements when developed such as increased setback of 25 feet on one side or the other to allow for access, and a maximum setback at the front so that a house could not be put in the middle of that property.
2. Properties under ½ acre would be rezoned to RS
3. All properties would go through the legislative rezone to RS and the market would drive development.
4. Restructure the text to allow a new structure on a lot that is under ½ acre. Lots over ½ acre would need a Conditional Use Permit for a new structure.

Discussion followed regarding shadow plats, locational requirements, non-conforming uses, efficient use of land, partitions vs. subdivisions, allowing larger properties to remain zoned UT, efficiency measures to increase availability of housing, and impacts to housing strategies being worked on by the BLI/HNA committee.

Robert Ohrn, Keizer, stated that he felt most of the proposed changes are positive and voiced support for getting rid of the obsolete and streamlining the process. He noted that he has a hobby farm and would therefore not want to rezone everything because he doesn't want to lose the ability to continue his farm. Mr. Johnson responded that because his hobby farm is 'pre-established' it will be allowed to continue as long as he remained on the property and continued the operation.

Chris Aldrich, Keizer, questioned if a zone change would affect his ability to add an accessory dwelling unit. Staff explained that the UT zone allows accessory dwelling units with a conditional use permit. If the property was zoned RS it would be held to the same standards, and the process would be streamlined.

Marcia Bednarzyk, Keizer, stated that she is in favor of retaining the UT zoning but to allow automatic rezoning if a property is redeveloped.

Barbara McCullough-Jones, Keizer, voiced appreciation for streamlining the process but questioned why the city had to continue to grow. She asked where the City's responsibility lies in trying to meet all the housing needs for the area and questioned if the City couldn't just say they had had enough and that they want to keep what green space that remains undeveloped. Mr. Brown explained that the City has to comply with State mandates and they are trying to work through that with the Buildable Lands Inventory/Housing Needs Analysis Project Advisory

Committee at this time.

Discussion followed regarding wells, septic systems, options, consequences of a legislative rezone, future development potential, the Comprehensive Plan, and low density residential zoning.

Matt Lawyer moved that the Planning Commission continue the public hearing on this issue until the next meeting. Mark Caillier seconded. Motion passed as follows: Whalen, Juran, DeBlasi, Caillier, Watson and Lawyer in favor with Wilson absent.

Chair Whalen continued the Public Hearing to the May meeting.

NEW/OLD BUSINESS/STAFF REPORT: Mr. Brown provided an update of the Buildable Lands Inventory/Housing Needs Analysis Project Advisory Committee schedule, urged Commissioners to take the on-line survey prepared by the consultants, and noted that the Revitalization Plan is almost ready for the final draft.

YOUTH LIAISON REPORT: Christopher Wolfert had nothing to report.

COUNCIL LIAISON REPORT: Mayor Clark reviewed upcoming City events and meetings.

COUNCIL REPRESENTATIVE: Michael DeBlasi will report to Council.

ADJOURN: The meeting adjourned at 8:09 pm.

Next Meeting: May 8, 2019

Minutes approved: _____

**CONTINUATION OF PUBLIC
HEARING: PROPOSED TEXT
AMENDMENT - Section 2.118
Urban Transition (UT)**

TO: PLANNING COMMISSION
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, SENIOR PLANNER

DATE: May 1, 2019

**SUBJECT: Proposed text amendments to Keizer Development Code (Sections 2.118),
modifying the standards of the Urban Transition (UT) zone.**

ATTACHMENTS:

- **Development Code Section 2.118 (Urban Transition) – Draft**
- **Packet from April 10, 2019 PC Meeting**

DISCUSSION:

The Planning Commission held a public hearing on March 6, 2019 to consider proposed text changes to Keizer Development Code Section 2.118 (Urban Transition) which was carried forward to the April 10, 2019 meeting to allow for additional public involvement. One of the questions was whether or not a legislative rezone of the UT properties to RS (Residential Single Family) would be supported by the public. At the April 10th meeting, 4 citizens testified regarding the proposed changes and expressed overall support for the changes to simplify the process for development in the UT zone. Concern was expressed regarding property owner's rights and whether or not a legislative zone change would detrimentally affect a property owner's ability to use their property for hobby farms and similar uses commonly found in the UT area by two of the citizens that testified. One of the people that testified vocalized outright support for being rezoned to RS.

Discussion regarding the four different options for consideration resulted in confusion and additional questions. i.e.: "*What about Accessory Dwelling Units (ADUs)?*" Ultimately planning commission asked staff to come back with some clarification on the four options discussed. I have provided the four options discussed at the April 10th meeting, along with some brief pros and cons for each proposal.

The four options discussed were:

- 1. Proposed text language from 4/10/19 meeting except:**
 - a. Properties under ½ acre allow Single Family Dwelling (SFD) outright;**
 - b. Properties over ½ acre require review under objective standards to confirm they can develop to efficient densities and provide connectivity**

Pros:

- Easier for property owners to develop (no CUP required)
- Retains ability to require efficiency, appropriate density, and connectivity.
- Updates out of date language on "priority areas"

Cons:

- Creates “land use” decision without a process (major legal issue)
- Extremely difficult to create appropriate objective criteria that can meet legal test, outside of a designated formal land use process
- Does not address other uses currently allowed in the RS zone (i.e. ADUs)

2. Proposed text language from 4/10/19 meeting except:

- a. Properties under ½ acre allow SFD outright;**
- b. Properties over ½ acre require CUP**

Pros:

- Easier for property owners to develop on smaller parcels (no CUP required)
- Retains ability to require efficiency, appropriate density, and connectivity through existing CUP process for larger properties.
- Updates out of date language on “priority areas”
- Avoids legal issues/challenges raised by Option #1

Cons:

- Does not streamline development process or make it easier for property owners of larger parcels (leaves as it currently is to require CUP)
- Does not address other uses currently allowed in the RS zone (i.e. ADUs)

3. Legislative rezone to RS for properties under ½ acre; properties over ½ acre stay UT and require CUP or other land use decision to allow SFDs with efficient/connectivity issues.

Pros:

- Consistent with Comp Plan Designation - Low Density Residential (LDR) for properties under ½ acres in size.
- Retains ability to require efficiency, appropriate density, and connectivity through existing CUP process.

Cons:

- Does not streamline development process or make it easier for property owners of larger parcels (leaves as UT and requires CUP)
- Inefficient use of staff and planning commission resources (legislative rezone process)
- Doesn’t make sense to rezone only a portion when all is LDR in Comp Plan

4. Legislative rezone all properties to RS with amendments to maintain efficient redevelopment and connectivity.

Pros:

- Consistent with Comp Plan Designation - Low Density Residential (LDR)
- Addresses all UT properties at once
- If “amendments” to other sections are adopted – one set of standards would apply city wide (sense of equity)

Cons:

- Staff and Planning Commission resources for process
- Does not address the out of date language in UT zone
- Timeframe for completion (longer process)
- Additional amendment to other sections have not yet been identified

PROPOSAL:

Staff does not believe any of the four identified options (by themselves) is a complete solution. A legislative rezone of all UT properties to RS is necessary and should be pursued in the near future. However, that does not address the deficiencies and outdated language that currently exists in the UT zone. Therefore, staff proposed a two pronged approach: 1) Update the existing UT zone (similar to Option#2) and; 2) pursue a legislative rezone in the future (option#4). The modified text language for Planning Commission to consider is similar to the concept proposed in Option#2 above. The proposed language accomplishes the following:

- Modifies the out of date/inaccurate language in UT zone
- Gives an exemption for CUP approval for parcels under ½ acre and will allow development of ALL uses allowed in underlying Comp Plan/Zoning designation (LDR/RS) - which will allow ADUs, accessory buildings, etc., etc.
- Expands the automatic rezone provision to include Partitions
- Retains ability to require efficiency, appropriate density, and connectivity through existing CUP process for properties ½ acre and larger

RECOMMENDATION:

That Planning Commission consider the proposal and recommend approval to the City Council, including any additional text changes identified, and initiate a legislative rezone, the timing of which is dependent on available resources.

2.118 URBAN TRANSITION (UT)

2.118.01 Purpose

The UT (URBAN TRANSITION) zone is generally located in the north part of Keizer and includes a number of parcels which are not contiguous to each other. The zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The zone allows the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development. Properties that have available urban services, or can be served by the City's infrastructure system will be allowed to develop with a demonstration that the efficient use of the land proposed for development will be made and will not impair the development of surrounding properties.^(5/98)

2.118.02 Permitted Uses

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

- A. Lawful uses other than those listed in this Section 2.118.02 on a property at the time of the effective date of this zone except as provided in Section 2.118.03. ^(5/98)
- B. **Farm use.** ^(5/98)
- C. The propagation of **forest products.** ^(5/98)
- D. **Public and semi-public buildings and structures** rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines. ^(5/98)
- E. **A mobile home customarily provided in conjunction with farm use** subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes. ^(5/98)
- F. **A mobile home subject to an agreement** requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 2.118.11, 2.118.12, and 2.118.13. ^(5/98)
- D. **Nursery.** ^(5/98)
- H. **Child foster home** for five or fewer children. ^(6/99)
- I. Any permitted or special permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation on parcels less than ½ acre in size.

2.118.03 Conditional Uses

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

- A. 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. (on parcels ½ acre or larger) (5/98)
- ~~B. Expansion or replacement of a use permitted under Section 2.118.02 subject to meeting the criteria in Section 3.103.03. (5/98)~~
- C. Commercial and industrial activities in conjunction with farm or forest use occurring on the parcel. (5/98)
- D. Use of a mobile home as a temporary hardship dwelling subject to Section 2.406. (5/98)
- ~~E. Single family dwelling meeting criteria in Section 2.118.04 and Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)~~
- ~~F.~~ E. Child foster home for six, seven or eight children, providing such home:
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be

included when calculating the amount of required open space, grass and landscaping.

8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

2.118.04 Conditional Use Criteria

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

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

2.118.05 Development Standards

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

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

2.118.06 Height

Within an UT zone, there is no height limit except a maximum of 35 feet for dwellings, and structures associated with special uses, and conditional uses. Buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height. ~~Greater height may be requested and approved as a conditional use.~~ (5/98)

2.118.07 Dimensional Standards

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

A. Minimum Yard Setback Requirements

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

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

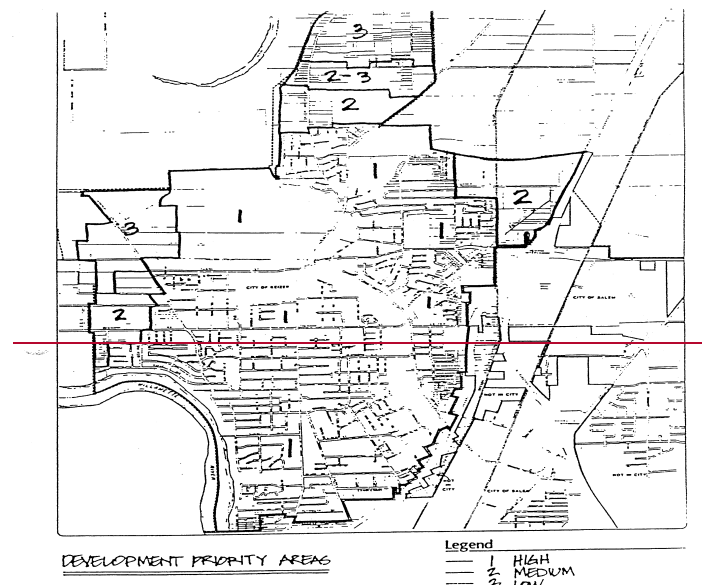
2.118.08 Other Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the UT zone shall comply with the following standards:
(5/98)
 - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. (5/98)

2.118.09 Development Priorities and Growth Management

The City of Keizer Comprehensive Plan establishes priorities for the future expansion of public facilities and services to currently unserved areas in the City. These unserved areas are in an UT or EFU zone. The map shown on Figure 2.118-1



~~indicates three development priorities for the UT and EFU zoned areas in the City. Priority 1 areas are surrounded by or are immediately adjacent to areas where public sewer and water currently exists, where LIDs or other commitments for service extension are approved, and where new growth is likely during the next 10 years. Priority 2 areas have a medium priority for service extensions, and will likely experience new growth in 5 to 15 years. Priority 3 areas have a low priority for service extensions, and are not expected to experience growth for 10 to 20 years. The following development standards apply to these development priority areas.~~ (5/98)

2.118.10 Divisions of Land and Automatic Rezoning

- A. A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes, or the establishment of a mobile home park, may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Section 3.1, upon approval and recordation of the plat, or establishment of the mobile home park, the land included in the plat or park shall automatically be rezoned to the RS (SINGLE-FAMILY RESIDENTIAL) Zone. (5/98)
- B. Residential developments that are not allowable in the RS zone may only be considered as part of, or subsequent to, a change to a zone that allows the proposed development. (5/98)
- C. Notwithstanding the zone change procedures in Section 3.110, upon approval and recordation of a partition plat, the land included in the plat shall automatically be rezoned to the RS (SINGLE FAMILY RESIDENTIAL) Zone.
The following regulations shall apply when property line adjustments and partitionings of land within the UT zone are proposed: (6/16)
 - 1. Existing parcels with dwellings may be separated from the remaining property provided the dwelling parcel does not preclude future redevelopment of the remaining parcel to maximum densities allowed in the Comprehensive Plan designation, and any additional street right-of-way required by adopted standards is dedicated along the parcel's street frontage. In addition, the following minimum lot sizes apply for the parcel containing the dwelling: (5/98)
 - a. Served by both public sewer and water: ~~65~~,000 square feet. (5/98)
 - b. Lacking public sewer or water: 20,000 square feet. (5/98)

- c. Lacking both public sewer and water: 1 acre ~~in priority 1 and 2 development areas, 2 acres in priority 3 development areas.~~ (5/98)
- 2. Street and drainage improvements applicable to any parcel created under Subsection 1 shall be imposed at the time the remnant parcel is developed for urban use. (5/98)
- 3. The location of parcel lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. A development plan may be required which indicates how the proposed division will not preclude future development at densities allowed in the Comprehensive Plan. (5/98)
- ~~4. Partitioning of land creating an undeveloped parcel of less than 5 acres in area shall not be allowed in Priority 2 and 3 areas. Minimum lot dimension standards in Priority 2 and 3 areas are: (5/98)~~
 - ~~a. The property shall have no dimension less than 100 feet. (5/98)~~
 - ~~b. The property shall have not less than 100 feet of frontage on a dedicated street that shall have a right-of-way width of not less than 40 feet. (5/98)~~

2.118.11 Requirements for On-Site Sewage Disposal Permits

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

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

- H. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the ~~building~~property. (5/98)

Pages from April 2019 Packet

2.118 URBAN TRANSITION (UT)

2.118.01 Purpose

The UT (URBAN TRANSITION) zone is generally located in the north part of Keizer and includes a number of parcels which are not contiguous to each other. The zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The zone allows the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development. Properties that have available urban services, or can be served by the City's infrastructure system will be allowed to develop with a demonstration that the efficient use of the land proposed for development will be made and will not impair the development of surrounding properties. (5/98)

2.118.02 Permitted Uses

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

- A. Lawful uses other than those listed in this Section 2.118.02 on a property at the time of the effective date of this zone except as provided in Section 2.118.03. (5/98)
- B. **Farm use.** (5/98)
- C. The propagation of **forest products.** (5/98)
- D. **Public and semi-public buildings and structures** rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines. (5/98)
- E. **A mobile home customarily provided in conjunction with farm use** subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes. (5/98)
- F. **A mobile home subject to an agreement** requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)
- D. **Nursery.** (5/98)
- H. **Child foster home** for five or fewer children. (6/99)
- I. **Single Family Dwelling.**
- J. **Accessory Structures** and uses prescribed in Section 2.203.02.

2.118.03 Conditional Uses

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

- A. 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. (5/98)
- ~~B. Expansion or replacement of a use permitted under Section 2.118.02 subject to meeting the criteria in Section 3.103.03. (5/98)~~
- C. Commercial and industrial activities in conjunction with farm or forest use occurring on the parcel. (5/98)
- D. Use of a mobile home as a temporary hardship dwelling subject to Section 2.406. (5/98)
- ~~E. Single family dwelling meeting criteria in Section 2.118.04 and Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)~~
- ~~F.~~ E. Child foster home for six, seven or eight children, providing such home:
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be

included when calculating the amount of required open space, grass and landscaping.

8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

2.118.04 Conditional Use Criteria

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

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

2.118.05 Development Standards

The standards and regulations in this chapter and the additional standards and regulations referenced in the Development Code apply to all lots, structures and uses unless indicated otherwise. For properties greater than ¼ acre in size, a redevelopment site plan shall be submitted to the Community Development Department in conjunction with the development of any new structure. The redevelopment site plan must be submitted for review at the time of building permit

approval. The redevelopment site plan must demonstrate the proposed placement of the new structure does not preclude the potential future redevelopment of the parcel to identified urban densities of the underlying Comprehensive Plan designation. In addition, the redevelopment site plan must account for connectivity options to adjacent parcels with future development potential. -No structure or use shall be approved until all requirements in this chapter have been satisfied. (5/98)

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

2.118.06 Height

Within an UT zone, there is no height limit except a maximum of 35 feet for dwellings, and structures associated with special uses, and conditional uses. Buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height. ~~Greater height may be requested and approved as a conditional use.~~ (5/98)

2.118.07 Dimensional Standards

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

A. Minimum Yard Setback Requirements

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

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

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

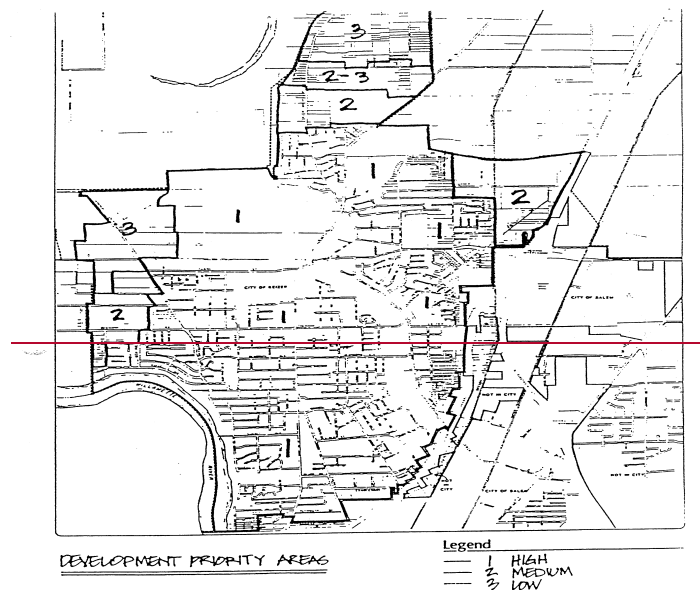
2.118.08 Other Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the UT zone shall comply with the following standards:
(5/98)
 - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. (5/98)

2.118.09 Development Priorities and Growth Management

The City of Keizer Comprehensive Plan establishes priorities for the future



~~expansion of public facilities and services to currently unserved areas in the City. These unserved areas are in an UT or EFU zone. The map shown on Figure 2.118-1 indicates three development priorities for the UT and EFU zoned areas in the City. Priority 1 areas are surrounded by or are immediately adjacent to areas where public sewer and water currently exists, where LIDs or other commitments for service extension are approved, and where new growth is likely during the next 10 years. Priority 2 areas have a medium priority for service extensions, and will likely experience new growth in 5 to 15 years. Priority 3 areas have a low priority for service extensions, and are not expected to experience growth for 10 to 20 years. The following development standards apply to these development priority areas.~~ (5/98)

2.118.10 Divisions of Land and Automatic Rezoning

- A. A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes, or the establishment of a mobile home park, may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Section 3.1, upon approval and recordation of the plat, or establishment of the mobile home park, the land included in the plat or park shall automatically be rezoned to the RS (SINGLE-FAMILY RESIDENTIAL) Zone. (5/98)
- B. Residential developments that are not allowable in the RS zone may only be considered as part of, or subsequent to, a change to a zone that allows the proposed development. (5/98)
- C. Notwithstanding the zone change procedures in Section 3.110, upon approval and recordation of a partition plat, the land included in the plat shall automatically be rezoned to the RS (SINGLE FAMILY RESIDENTIAL) Zone. The following regulations shall apply when property line adjustments and partitionings of land within the UT zone are proposed: (6/16)
 - 1. Existing parcels with dwellings may be separated from the remaining property provided the dwelling parcel does not preclude future redevelopment of the remaining parcel to maximum densities allowed in the Comprehensive Plan designation, and any additional street right-of-way required by adopted standards is dedicated along the parcel's street frontage. In addition, the following minimum lot sizes apply for the parcel containing the dwelling: (5/98)
 - a. Served by both public sewer and water: ~~65~~,000 square feet. (5/98)

- b. Lacking public sewer or water: 20,000 square feet. (5/98)
- c. Lacking both public sewer and water: 1 acre ~~in priority 1 and 2 development areas, 2 acres in priority 3 development areas~~. (5/98)
- 2. Street and drainage improvements applicable to any parcel created under Subsection 1 shall be imposed at the time the remnant parcel is developed for urban use. (5/98)
- 3. The location of parcel lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. A development plan may be required which indicates how the proposed division will not preclude future development at densities allowed in the Comprehensive Plan. (5/98)
- ~~4. Partitioning of land creating an undeveloped parcel of less than 5 acres in area shall not be allowed in Priority 2 and 3 areas. Minimum lot dimension standards in Priority 2 and 3 areas are: (5/98)~~
 - ~~a. The property shall have no dimension less than 100 feet. (5/98)~~
 - ~~b. The property shall have not less than 100 feet of frontage on a dedicated street that shall have a right-of-way width of not less than 40 feet. (5/98)~~

2.118.11 Requirements for On-Site Sewage Disposal Permits

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

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

- G. Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system. (5/98)
- H. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the building. (5/98)



NOTICE OF HEARING April 10, 2019 – 6:00PM

Proposed Changes-Urban Transition Zone
Text Amendment Case-2019-03

On April 10, 2019 at 6:00pm, the Keizer Planning Commission will hold a public hearing to discuss proposed changes to the Urban Transition (UT) Zone. The proposed changes are intended to simplify residential development in the UT zone by eliminating the need for Conditional Use Permit approvals, and expanding automatic re-zone provisions. The full staff report and proposed text changes are available on the City's website at www.keizer.org/current-text-amendments

Your property is currently zoned UT, so we are asking for your participation and input on this issue. Please complete the short (5 question) survey online at <https://www.surveymonkey.com/r/UTZONE> and/or attend the public hearing on April 10th.

For more information contact Shane Witham, Senior Planner at withams@keizer.org or 503-856-3439.



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Pages from March 2019 Packet

TO: PLANNING COMMISSION
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, SENIOR PLANNER

DATE: March 6, 2019

**SUBJECT: Proposed text amendments to Keizer Development Code (Sections 2.118),
modifying the standards of the Urban Transition (UT) zone.**

ATTACHMENTS:

- **Development Code Section 2.118 (Urban Transition) – Draft**
- **Map of UT zoned properties**

DISCUSSION:

One of the items on the work program list that Planning Commission reviewed at the beginning of the year was for a re-write of the existing Urban Transition (UT) zone. In addition, there was also an item for the possibility of doing a legislative re-zone of properties currently designated UT, which could effectively eliminate most of the UT zoned properties within the City. I have included a map showing the properties currently zoned UT to assist in the discussion. It should be noted that Planning Commission has the option to table this proposed amendment if it wishes to look at a legislative re-zone instead of a UT rewrite.

The UT zone applies to 118 properties in the northern part of Keizer. Originally, this area was not served by adequate public facilities (water and sewer) and the purpose of the zone was to allow for a transition from rural to urban uses as facilities were made available. Now that the area is served and is mostly developed, the language in the UT section is out of date and unnecessary. It could be argued that many of the existing UT parcels (if not all) should be rezoned to Single Family Residential (RS) to more accurately reflect the development pattern and for consistency with the underlying Comprehensive Plan Designation. As you can see from the attached map, some of the existing UT properties are larger than standard lot sizes in the RS zone, and have additional development potential, while others are already developed to the residential densities identified in the Comprehensive Plan.

Regardless of which approach Planning Commission chooses to take, special care must be given to protect future development options for these UT zoned properties and to allow for and encourage the efficient use of the land.

Staff has prepared draft language to modify the existing UT zone. The changes will:

- Eliminate references to “priority areas” which are out of date and not accurate
- Reduce the need for obtaining a conditional use permit (CUP) for developing in the UT zone, and eliminate the criteria found within the UT zone – instead relying on the standard CUP criteria found in Section 3.103 (Conditional Uses)

- Require development proposals to provide a “shadow plat” to preserve future development potential on larger parcels
- Expand the automatic rezone provision to include partitions

It should further be noted that some additional text changes may be needed in order to align these changes with other sections of the KDC.

RECOMMENDATION:

That Planning Commission consider the proposal and recommend approval to the City Council, including any additional text changes identified.

2.118 URBAN TRANSITION (UT)

2.118.01 Purpose

The UT (URBAN TRANSITION) zone is generally located in the north part of Keizer and includes a number of parcels which are not contiguous to each other. The zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The zone allows the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development. Properties that have available urban services, or can be served by the City's infrastructure system will be allowed to develop with a demonstration that the efficient use of the land proposed for development will be made and will not impair the development of surrounding properties.^(5/98)

2.118.02 Permitted Uses

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

- A. Lawful uses other than those listed in this Section 2.118.02 on a property at the time of the effective date of this zone except as provided in Section 2.118.03. ^(5/98)
- B. **Farm use.** ^(5/98)
- C. The propagation of **forest products.** ^(5/98)
- D. **Public and semi-public buildings and structures** rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines. ^(5/98)
- E. **A mobile home customarily provided in conjunction with farm use** subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes. ^(5/98)
- F. **A mobile home subject to an agreement** requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 2.118.11, 2.118.12, and 2.118.13. ^(5/98)
- D. **Nursery.** ^(5/98)
- H. **Child foster home** for five or fewer children. ^(6/99)
- I. **Single Family Dwelling.**
- J. **Accessory Structures** and uses prescribed in Section 2.203.02.

2.118.03 Conditional Uses

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

- A. 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. (5/98)
- ~~B. Expansion or replacement of a use permitted under Section 2.118.02 subject to meeting the criteria in Section 3.103.03. (5/98)~~
- C. Commercial and industrial activities in conjunction with farm or forest use occurring on the parcel. (5/98)
- D. Use of a mobile home as a temporary hardship dwelling subject to Section 2.406. (5/98)
- ~~E. Single family dwelling meeting criteria in Section 2.118.04 and Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)~~
- ~~F.~~ E. Child foster home for six, seven or eight children, providing such home:
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be

included when calculating the amount of required open space, grass and landscaping.

8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

2.118.04 Conditional Use Criteria

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

- ~~A. The use will not increase traffic beyond the capacity of existing roads. ^(5/98)~~
- ~~B. It will be located in such a manner that any significant unused portion of the property has adequate development options and will not restrict development options on adjacent properties. ^(5/98)~~
- ~~C. The use can utilize rural services or existing urban services, and will not individually or together with nearby uses increase pressure for installation of new urban services. ^(5/98)~~
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The standards and regulations in this chapter and the additional standards and regulations referenced in the Development Code apply to all lots, structures and uses unless indicated otherwise. Development of a parcel with a new single family dwelling or accessory structure will require the submittal of a "shadow plat" to be accompanied with the building permit to assure the placement of the new structure does not preclude the potential for future redevelopment of the parcel to identified

urban densities of the underlying Comprehensive Plan designation. -No structure or use shall be approved until all requirements in this chapter have been satisfied. (5/98)

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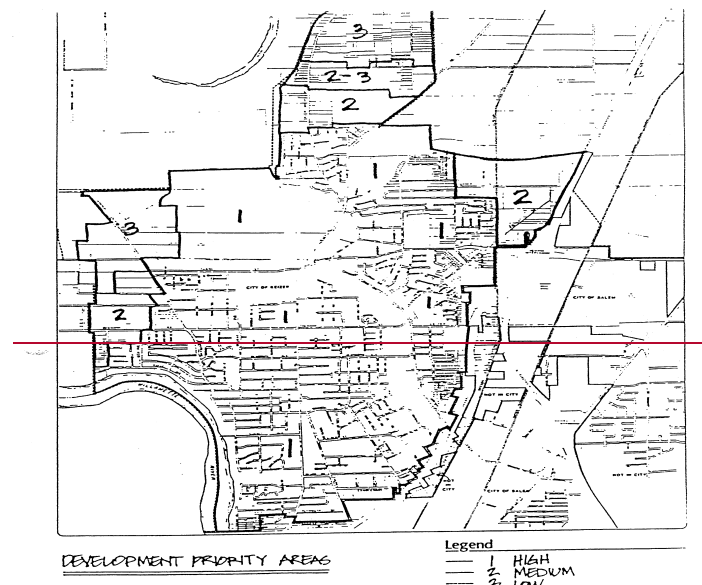
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- A. A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes, or the establishment of a mobile home park, may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Section 3.1, upon approval and recordation of the plat, or establishment of the mobile home park, the land included in the plat or park shall automatically be rezoned to the RS (SINGLE-FAMILY RESIDENTIAL) Zone. (5/98)
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 - a. Served by both public sewer and water: ~~65~~,000 square feet. (5/98)
 - b. Lacking public sewer or water: 20,000 square feet. (5/98)

- c. Lacking both public sewer and water: 1 acre ~~in priority 1 and 2 development areas, 2 acres in priority 3 development areas.~~ (5/98)
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 - ~~a. The property shall have no dimension less than 100 feet. (5/98)~~
 - ~~b. The property shall have not less than 100 feet of frontage on a dedicated street that shall have a right-of-way width of not less than 40 feet. (5/98)~~

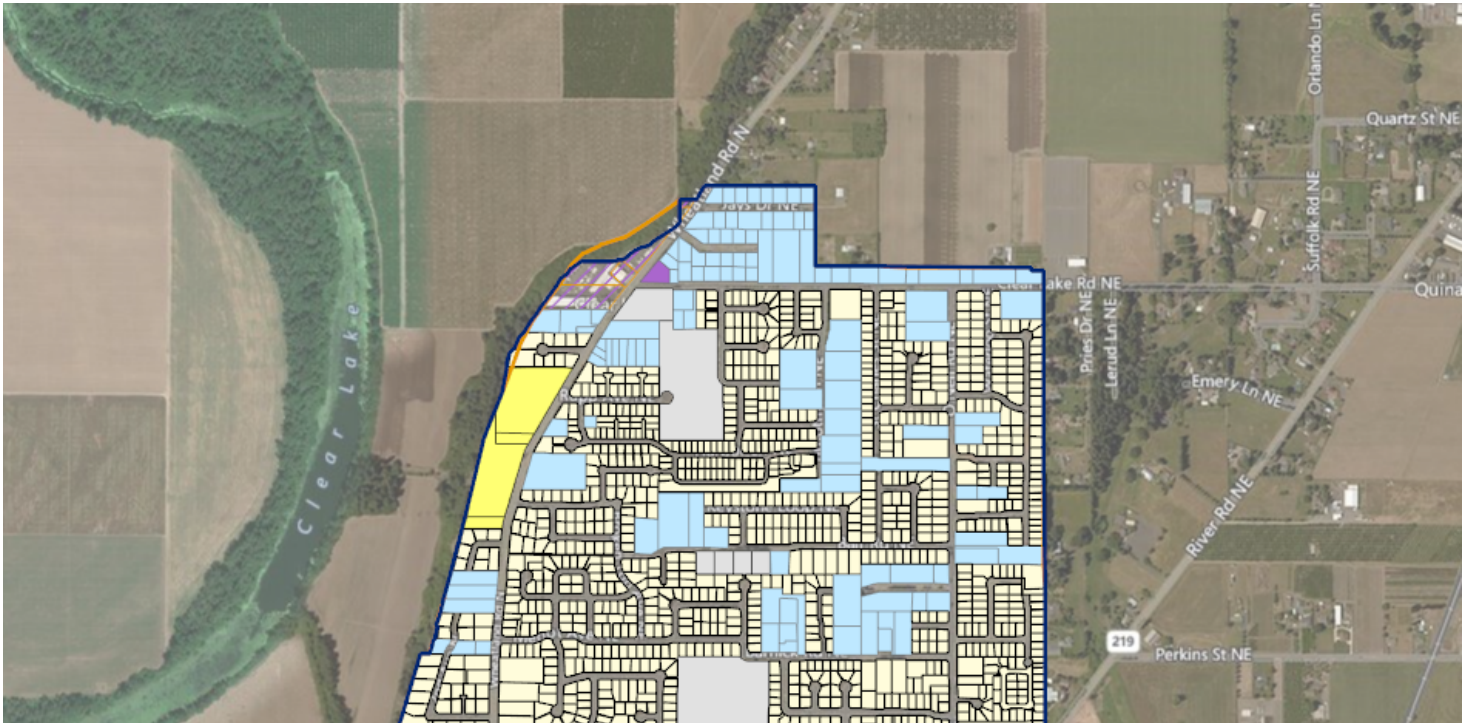
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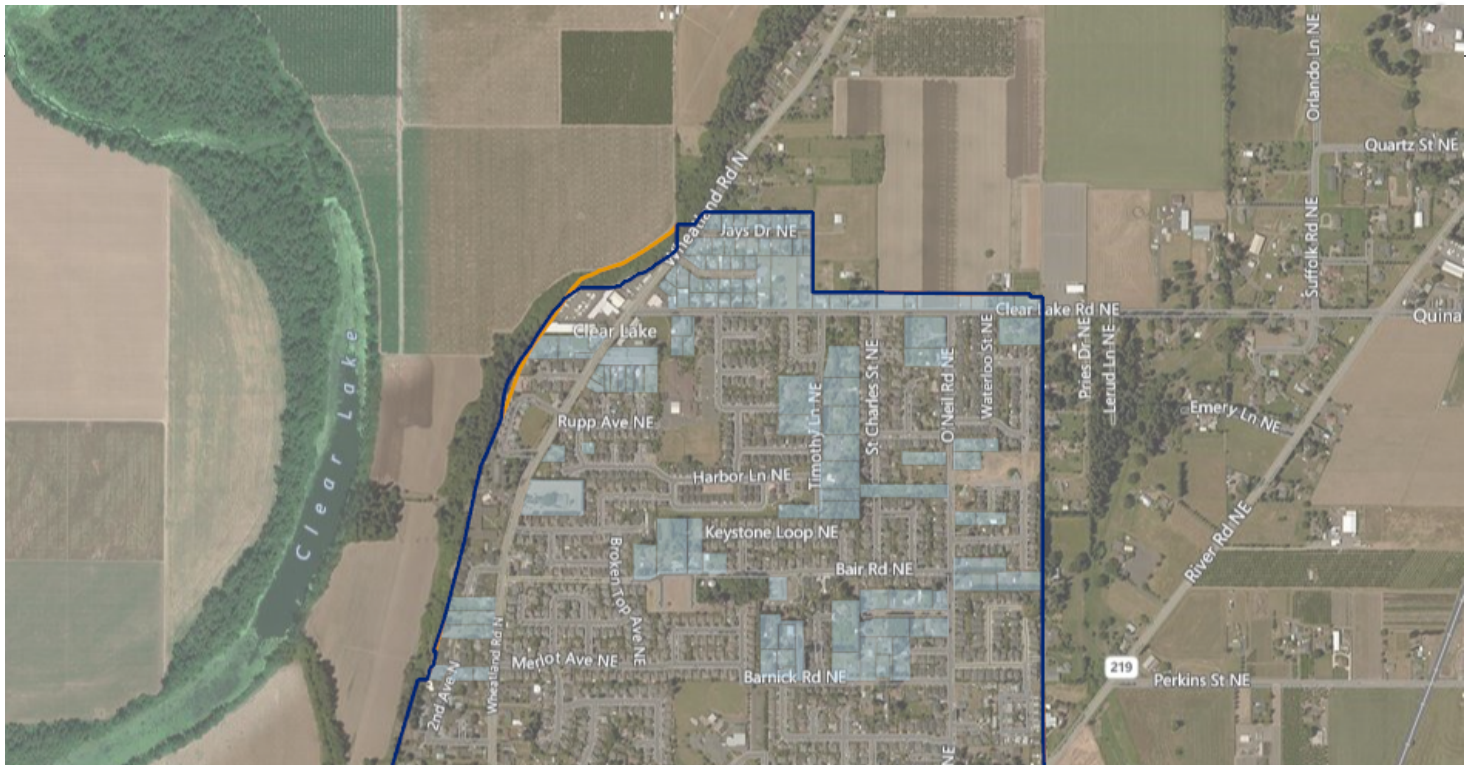
- A. The property shall not lie within the boundary of a sewer service district as it was drawn prior to the inclusion within the City limits or within the boundary of an improvement district for sewer services that has been proposed by the City. (5/98)
- B. The property must lie more than 300 feet in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

- H. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the building. (5/98)

UT Zoned Land- Light Blue Parcels - North Keizer



Aerial View - UT Zoned Land- Light Blue Parcels - North Keizer



- UT zone = Approx 120 properties
- Some Development potential on larger parcels
- Almost all parcels are developed to some extent

PUBLIC HEARING:

PROPOSED TEXT AMENDMENT

**Section 2.108 (Commercial Office)
and Section 2.115 (Agricultural
Industrial) to allow operation of
mobile food vendors in those zones
and**

**to amend Section 2.434 (Mobile Food
Vendors) to clarify the requirements
for mobile food vendor placement
consistent with the recently modified
City ordinance governing mobile
food vendors.**

TO: PLANNING COMMISSION
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, SENIOR PLANNER

DATE: May 1, 2019

SUBJECT: Proposed text amendments relating to Mobile Food Vendors

Attachments:

- **Section 2.108 (Commercial Office) – draft**
- **Section 2.115 (Agricultural Industrial) – draft**
- **Section 2.434 (Mobile Food Vendors) – draft**

DISCUSSION:

At the April 1st City Council meeting, the City Council modified the ordinance governing Mobile Food Vendors. Previously, the ordinance required each individual Mobile Unit to obtain a permit through the Community Development Department. The recent changes mandated by City Council now require property owners wishing to locate a Mobile Food Vendor on their property to first obtain a Mobile Food Vendor Premises Permit. This will allow for any number of different mobile units to be located on a given property, subject to specific siting requirements. In addition, it was determined that mobile food vendors should be allowed in all non-residential zones.

The proposed amendments will allow mobile food vendors in the Commercial Office (Section 2.108) and Agricultural Industrial (Section 2.115) zones, where previously mobile food vendors had been prohibited. In addition, the language in Section 2.434 (Mobile Food Vendors) has been changed to provide consistency with the recent changes to the mobile food vendor ordinance.

RECOMMENDATION:

That the Planning Commission consider the proposals and forward a recommendation to the City Council they be adopted.

2.434 MOBILE FOOD VENDORS

Where permitted as a Special Permitted Use, Mobile Food Vendors may be allowed provided that they comply with the following:

- A. Obtain a license from Marion County Environmental Health or appropriate governing agency.
- B. ~~Obtain a Keizer permit consistent with all applicable Keizer regulations to operate a Mobile Food Vendor.~~ Must be located on a site which has obtained a Mobile Food Vendor Premises Permit.

2.115 AGRICULTURAL INDUSTRIAL (AI)

2.115.01 Purpose

The purpose of the AI (Ag-Industrial) zone is to provide appropriate areas suitable for agricultural uses, agricultural related industries, warehousing, transportation facilities, and other agricultural, industrial, and recreational uses that have relatively low employees per acre ratios. The Ag-Industrial zone is appropriate in those areas designated Ag-Industrial in the Comprehensive Plan where the location is impacted by the Willow Lake Wastewater Treatment Plan and the site has access to an arterial street for transport of bulk materials. (5/98)

2.115.02 Permitted Uses

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

- A. **Lawful uses existing on a property at the time of the effective date of this zone.** (5/98)
- B. **Farm Use**, including farm dwellings as defined in ORS 215.213(e), (f), and (g). (5/98)
- C. **Timber tracts** (081) and forest nurseries (083). (5/98)
- D. **Agricultural services** (07). (5/98)
- E. **Wholesale** (5193) and **retail nurseries** (5261). (5/01)
- F. **Food and kindred products** (20). (5/98)
- G. **Recycling Centers and Depots.** (5/98)

2.115.03 Special Permitted Uses

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

- A. **Non-Residential Partitions**, subject to the provisions in Section 2.310. (5/01)
- B. **Non-Residential Subdivision**, subject to the provisions in Section 2.310. (5/01)
- C. **Non-Residential Planned unit development**, subject to the provisions in Section 2.311. (5/01)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)

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

1. **Energy facility** (Section 2.425). (5/98)

F. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

G. **Medical Marijuana Facilities** (Section 2.433). (10/14)

H. **Marijuana Grow Site** (Section 2.433). (10/14)

I. **Marijuana Retailer** (Section 2.433). (1/16)

J. **Marijuana Processor** (Section 2.433). (1/16)

K. **Marijuana Producer** (Section 2.433). (1/16)

L. **Marijuana Wholesaler** (Section 2.433). (1/16)

L.M. **Mobile Food Vendor** (Section 2.434)

2.115.04 Conditional Uses

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

A. **Solid waste transfer facility**. (5/98)

B. **Public or Private Golf Course** or Driving Range. (5/98)

C. **Public or Semi-Public Recreation Facility** incorporating outdoor fields for organized team play along with related concession, storage, and maintenance facilities. (5/98)

D. **Composting and recycling facility** for organic yard debris. (5/98)

E. **Construction contractor's offices** and related outdoor storage (15, 16, 17). (5/98)

F. **Manufacturing and Assembly**. (5/98)

1. Textile products and apparel (22). (5/98)

2. Millwork (2431). (5/98)

3. Wood kitchen cabinets (2434). (5/98)

4. Structural wood members, not elsewhere classified (2439). (5/98)
5. Furniture and fixtures (25). (5/98)
6. Chemicals and allied products (28) except miscellaneous chemical products (289). (5/98)
7. Rubber and miscellaneous plastics products (30). (5/98)
8. Leather and leather products (31) except leather tanning and finishing (311). (5/98)
9. Stone, clay, glass products (32) except cement (324); structural clay products (325), concrete, gypsum and plaster products (327) and abrasive, asbestos and miscellaneous non-metallic mineral products (329). (5/98)
10. Fabricated metal products including metal forging and stamping (346) but excluding ordnance and accessories (348). (2/04)
11. Machinery and equipment manufacturers (35). (5/98)
12. Transportation equipment (37). (5/98)
13. Miscellaneous manufacturing industries (39). (5/98)
14. Grain mill products. (2/04)
15. Bakery products. (2/04)
16. Beverages. (2/04)
17. Miscellaneous food preparations and kindred products. (2/04)
18. The manufacture of meat products but excluding both meat packing plant and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (2/04)
19. Apparel and other finished products made from fabrics and similar products. (2/04)
20. Wood kitchen cabinets. (2/04)
21. Nailed and lock corner wood boxes. (2/04)
22. Wood products, not elsewhere classified. (2/04)

23. Furniture and fixtures. (2/04)
24. Paperboard containers and boxes. (2/04)
25. Printing, publishing, and allied industries. (2/04)
26. Drugs. (2/04)
27. Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (2/04)
28. Miscellaneous plastic products. (2/04)
29. Glass products, made of purchased glass. (2/04)
30. Cutlery, hand tools, and general hardware. (2/04)
31. Heating equipment, except electric and warm air, and plumbing fixtures (19). (2/04)
32. Screw machine products, and bolts, nuts, screws, rivets, and washers. (2/04)
33. Pumps and pumping equipment. (2/04)
34. Electrical and electronic machinery, equipment, and supplies. (2/04)
35. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (2/04)
36. Miscellaneous manufacturing industries. (2/04)

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

1. Motor freight transportation and warehousing. (2/04)
2. Communication. (2/04)
3. Public Utility Structures and Buildings. (2/04)
4. Ancillary facilities for wastewater treatment including but not limited to administrative offices and vehicle maintenance shops. (2/04)

I. Wholesale trade-nondurable goods BUT EXCLUDING poultry and poultry products, livestock, farm-product raw materials, not elsewhere classified,

chemicals and allied products, tobacco and tobacco products, and nondurable goods, not elsewhere classified. (2/04)

- J. **Wholesale trade-durable goods** BUT EXCLUDING automobiles and other motor vehicles, lumber and other construction materials, coal and other minerals and ores, construction and mining machinery and equipment and scrap and waste materials. (2/04)
- K. **Transportation, utilities and communication** (40 - 49), BUT EXCLUDING travel agencies (4722). (5/98)
- L. **Biomass facility** (Section 2.425). (5/98)
- M. **Boat & RV Storage** (section 2.411). (5/98)
- N. **Public and Semi-Public buildings** and structures excluding office space except as specified in H. (2/04)
- O. **Services** (2/04)
 - 1. Research and development laboratories. (2/04)
 - 2. Noncommercial educational, scientific, and research organizations. (2/04)
 - 3. Membership sports and recreation clubs. (2/04)
 - 4. Amusement and recreation (79). (2/04)
 - 5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/04)
 - 6. Miscellaneous services. (2/04)
- P. **Public administration;** (5/98)
 - 1. Fire protection. (5/98)
- Q. **Transit stop shelters.** (5/98)

In addition to any other notice required by law, notice shall be also sent to Marion County and the City of Salem for any hearing regarding any conditional use or other land use applications for property within the AI zone. (5/01)

2.115.05 **Prohibited Use**

The following uses are prohibited in the AI zone:

- A. **Wastewater treatment** including but not limited to primary clarifiers, trickling filters, aeration basins, secondary clarifiers, disinfection facilities and dewatering facilities. (2/04)

2.115.06 Dimensional Standards

- A. Minimum Lot Dimension and Maximum Height Requirements (5/01)

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
MAXIMUM STRUCTURE HEIGHT	35 feet

- B. Minimum Yard Setback Requirements (5/01)

ADJACENT PROPERTY USE		
SETBACKS	Residential	Non-Residential
Front	20 feet	20 feet
Side	20 feet*	15 feet
Rear	20 feet*	15 feet
Street-side	20 feet	20 feet
*Plus 1 foot for each foot of building height over 10 feet		

Adjacent to residential zones, an eight (8) foot sight obscuring fence, wall or hedge is required. (5/01)

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:

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Non Residential 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 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)
- I. **Open Storage:** (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 8 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)

2.108 COMMERCIAL OFFICE (CO)

2.108.01 Purpose

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

2.108.02 Permitted Uses

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

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

- P. **Personnel supply services** (SIC 736). (5/98)
- Q. **Computer and data processing services** (SIC 737). (5/98)
- R. **Management, consulting and public relations** (SIC 7392). (5/98)
- S. **Detective agencies** and protective services (SIC 7393). (5/98)
- T. **Commercial testing laboratories** (SIC 7397). (5/98)
- U. **Parking lots** (SIC 7523). (5/98)
- V. **Health services** (SIC 80) except hospitals (SIC 806) and nursing and personal care facilities (SIC 805). (5/98)
- W. **Legal services** (SIC 81). (5/98)
- X. **Correspondence schools and vocational schools** (SIC 824). (5/98)
- Z. **Schools** and educational services, not elsewhere classified (SIC 829). (5/98)
- AA. **Individual and family services** (SIC 832). (5/98)
- BB. **Social services**, not elsewhere classified (SIC 839). (5/98)
- CC. **Membership organizations** (SIC 86). (5/98)
- DD. **Miscellaneous services** (SIC 89). (5/98)
- EE. **Executive offices** (SIC 911). (5/98)
- FF. **Executive and legislative** combined (SIC 913). (5/98)
- GG. **Finance, taxation, and monetary policy** (SIC 93). (5/98)
- HH. **Administration of human resources** programs (SIC 94). (5/98)
- II. **Administration of environmental quality and housing** programs (SIC 95). (5/98)
- JJ. **Administration of economic** programs (SIC 96). (5/98)
- KK. **National security and international affairs** (SIC 97). (5/98)
- LL. **Community or neighborhood clubs**. (5/98)
- MM. **Swimming pools** open to the public free or for a fee. (5/98)

- NN. **Public parks, playgrounds, and other public and semi-public uses.** (5/98)
- OO. **Public utility structures** and buildings. (5/98)
- PP. **Residential home care** for 5 or fewer persons and adult residential home care. (5/98)
- QQ. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- RR. **Child foster home.** (5/98)
- SS. **Elementary and secondary schools** (SIC 8211). (5/98)
- TT. Transit Facilities (Section 2.305). (05/09)

2.108.03 Special Permitted Uses

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

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

2.108.04 Conditional Uses

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

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

2.108.05 Dimensional Standards

- A. Minimum Lot Dimension and Height Requirements

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

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

- B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet (1)	(3)	(3)	(3)
Rear	(2)	(3)	(3)	(3)

Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet (5)	20 feet (5)	20 feet (5)	20 feet (5)

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

2.108.06 Development Standards

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

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. Parking must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50 percent of the street frontage. (5/98)
3. No off-street parking is required for uses above the ground floor. (5/98)
4. The off-street parking requirement for residential uses is one space per unit. (5/98)
5. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces

generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.) (5/98)

- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%
Mixed commercial and residential development:	85%	50%
Residential development:	80%	50%
- J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited

exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)

1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)
2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

2.108.07 Design Standards

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

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