

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

**AGENDA**  
**KEIZER CITY COUNCIL**  
**REGULAR SESSION**  
**Monday, August 6, 2018**  
**7:00 p.m.**  
**Robert L. Simon Council Chambers**  
**Keizer, Oregon**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **SPECIAL ORDERS OF BUSINESS**
5. **COMMITTEE REPORTS**
6. **PUBLIC TESTIMONY**

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

7. **PUBLIC HEARINGS**

- a. Keizer Development Code Text Amendment (Keizer Station Master Plan Review)

8. **ADMINISTRATIVE ACTION**

- a. Keizer United Disbursement Request
- b. Waiver of Community Center Fees – Keizer Chamber of Commerce
- c. **RESOLUTION** – Authorizing the City Manager to Sign First Amendment to Park Management Agreement with Keizer Little League, Inc.
- d. **ORDINANCE** – Adopting the Keizer Marijuana Retailer Permit Process; Repeal of Ordinance Nos. 2014-702, 2014-704, 2015-725, 2015-731, 2015-733, 2016-743, 2016-746, 2016-747, 2016-764, 2016-765, 2017-777, 2017-778, 2017-787, and 2017-788  
**RESOLUTION** – Relating to Marijuana Retailer Permit Application Fee; Repeal of R2014-2497 and R2016-2647
- e. **ORDINANCE** – Amending Keizer Development Code Regarding Section 2.308 (Signs) and Section 3.103 (Conditional Use Permits); Amending Ordinance No. 98-389
- f. **ORDINANCE** – Amending Keizer Development Code Regarding Section 1.200 (Definitions), Section 2.123 (Greenway Management Overlay Zone (GMO)), Section 2.127 (Historic Resources), Section 2.408 (Bed and Breakfast Establishment), Section 2.431 (Nursing and Personal Care Facilities), Section 2.432 (Cottage Cluster Development), Section 3.101 (Summary of Application Types), Section 3.112

(Annexations), Section 3.202 (General Procedures – Types I, II, and III Actions); Amending Ordinance No. 98-389, and Amending Ordinance No. 87-077 (The Keizer Comprehensive Plan); Amending Ordinance No. 87-077

- g. RESOLUTION – Adopting Land Use and Sign Permit Fees Unrelated to Partitions and Subdivisions; Repealing R2016-2679 and R2016-2712

9. **CONSENT CALENDAR**

- a. RESOLUTION – Authorizing City Manager and Public Works Director to Sign 2018-2021 Collective Bargaining Agreement with Laborers International Union of North America, Oregon Southern Idaho District Council Local 737
- b. RESOLUTION – Approving City Engineer’s Report; Declaring the City’s Intent to Form Summerview Estates Street Lighting Local Improvement District; Providing Notice and Setting Hearing
- c. RESOLUTION – Authorizing Public Works Director to Sign Marc Nelson Oil Products, Inc Purchasing Documents for Cardlock Fuel Cards
- d. Approval of July 2, 2018 City Council Regular Session Minutes

10. **COUNCIL LIAISON REPORTS**

11. **OTHER BUSINESS**

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

12. **WRITTEN COMMUNICATIONS**

*To inform the Council of significant written communications.*

13. **AGENDA INPUT**

August 13, 2018

5:45 p.m. – City Council Work Session

\*\*\* Rescheduled to August 27<sup>th</sup>

August 20, 2018

7:00 p.m. City Council Regular Session

August 27, 2018

6:00 p.m. – City Council/Planning Commission Joint Work Session

September 4, 2018 (Tuesday)

7:00 p.m. City Council Regular Session

14. **ADJOURNMENT**

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**COUNCIL MEETING: August 6, 2018**  
**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY, CITY MANAGER**  
**NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR**

**FROM: SHANE WITHAM, SENIOR PLANNER**

**SUBJECT:** Proposed text amendments to Keizer Development Code (KDC) Section 3.113 (Keizer Station Master Plan Review) creating a Keizer Station Master Plan “Amendment” process. In addition, minor changes are proposed to multiple KDC sections (2.107, 2.109, 2.110, 2.119, 2.125, 2.315, 3.101, 3.113, 3.202) as well as the Keizer Station Plan, for continuity within the KDC and Keizer Station Plan.

**Attachments:**

- **Sections 2.107, 2.109, 2.110, 2.119, 2.125, 2.315, 3.101, 3.113, 3.202 – draft**
- **Keizer Station Plan - draft**

**ISSUE:**

The Keizer Station Plan was originally adopted in 2003, and required that Master Plans be developed for the individual areas within the Keizer Station, in accordance with the Keizer Station Plan design guidelines. Over the past several years, Master Plans have been developed for Area A-Village Center, Area B, Area C, and Area D. Much of the property within these areas has already been developed or is in the process of being developed into a vibrant mix of uses. From time to time it has been necessary to modify the original Master Plan approvals, but due to the current language in the KDC, the process for amending an existing Master Plan is unclear and has resulted in having to process those requested changes as a new Master Plan application. Therefore, clarification is needed to allow for a process to amend an adopted Master Plan in the Keizer Station area, as opposed to having to process any change as a brand new Master Plan application.

The proposed text amendments will:

- Clarify the process and criteria for amending a previously adopted Master Plan
- Limit the Amendment process only to changes that do not significantly alter the character of a previously approved Master Plan
- Designate that Amendments will be heard by City Council, bypassing the Planning Commission.

The Planning Commission held a public hearing on February 14, 2018 to consider proposed changes to KDC Section 3.101, 3.113, and 3.202 and voted to support the proposed amendments unanimously. Direction was also given to identify (and modify as necessary) additional provisions to align the changes with other sections of the KDC. Due to process requirements and terminology references, several additional KDC sections and the Keizer Station Plan were identified to be changed.

**RECOMMENDATION:**

That the City Council open the public hearing to consider the proposed text amendments and direct staff to prepare an ordinance with findings to adopt the proposed revisions.

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

### **2.107.01 Purpose**

The Mixed Use (MU) zone promotes development that combines differing uses (permitted or special permitted) in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (4/08)

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

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

### **2.107.02 Permitted Uses**

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

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)

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

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

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

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

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

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

4. **Transit Facilities (Section 2.305)**. (Ordinance No. is 2009-586, 5/09)

I. **Retail Trade:**

Except as allowed under Section 2.107.05.B, the following retail uses shall be limited to buildings of 10,000 square feet or less:

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

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

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

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

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

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

7. Uses listed in 2.107.02.I. through 7 if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (10/15)

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

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

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

3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial laundries (7218). (5/98)

4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
5. **Watch, clock and jewelry repair (763).** (5/98)
6. **Recreational or athletic clubs.** (5/98)
7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
8. **Legal services (81).** (5/98)
9. **Miscellaneous services (89).** (5/98)
10. **Community or neighborhood clubs.** (5/98)
11. **Parking lots.** (5/98)
12. **Pet Grooming** (6/01)
13. **Veterinary Services (Section 2.414)** (6/15)

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

## **2.107.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  1. **Shared housing facilities (Section 2.403).** (5/98)
  2. **Zero side yard dwelling** units (Section 2.404). (5/98)
  3. **Home occupations (Section 2.407).** (5/98)
  4. **Bed and breakfast** establishments (Section 2.408). (5/98)
  5. **Residential sales offices (Section 2.409).** (5/98)

6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage** area (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
12. **Cottage Cluster Development** without the creation of any new lots (Section 2.432). (6/14)
13. **Mobile Food Vendor** (Section 2.434). (07/17)

#### **2.107.04 Conditional Uses**

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (5/09)
- C. Cottage Cluster Development with the creation of new lots (Section 2.432). (6/14)

#### **2.107.05 Use Restrictions**

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



1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (04/08)
2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (04/08)
3. In addition to the requirements in Section 2.315.06, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (10/15)
4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (04/08)
5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (04/08)
6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (04/08)
7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (04/08)
8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (04/08)

- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (04/08)

D. Larger Format Stores.

1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (04/08)
2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (04/08)
3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (04/08)

E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan ~~or amended master plan.~~ (06/10)

F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan review or Master Plan Amendment requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (04/08)

G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (04/08)

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

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

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

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

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (04/08)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (04/08)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)

4. Reduced Parking (04/08)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (04/08)

5. Creating and Protecting Public Spaces (04/08)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (04/08)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (04/08)

6. Human Scaled Building Design (04/08)

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

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

In addition, the provisions within Section 3.113-05 apply.

## **2.107.06 Dimensional Standards**

### **A. Minimum Lot Dimension and Height Requirements**

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

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.107.07.I (06/07)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (06/07)*
- (4) *Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. (04/08)*

## B. Minimum Yard Setback Requirements

SETBACKS (5)	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet (7)	10 feet (1)	10 feet (1)	10 feet (1)
Side	5 feet (2)	10 feet	(4)	(4)
Rear	(3)	(3)	(4)	(4)
Street-side	10 feet	10 feet	10 feet	10 feet
Garage entrance (6)	20 feet	20 feet	20 feet	20 feet

- (1) *For all MU zoned property fronting Cherry Avenue south of Manbrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback. (5/98)*
- (2) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (3) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines. (06/07)*
- (4) *The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)*
- (5) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (6) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- (7) *The minimum front setback from an access easement shall be ten (10) feet. (10/15)*

## **2.107.07 Development Standards**

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
  - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  - 2. Residential structures with four or more attached dwelling units<sup>1</sup> including Cottage Cluster Developments), and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
  - 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	15%
Mixed commercial and residential development:	20%
Residential development:	25%

- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

Commercial development:	85%
Mixed commercial and residential development:	80%
Residential development:	75%

I. **Density:**

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

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



## **2.109 COMMERCIAL RETAIL (CR)**

### **2.109.01 Purpose**

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

### **2.109.02 Permitted Uses**

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

- A. **One dwelling unit in conjunction with the commercial uses(s)** of the lot. (5/98)
- B. **Offices for any use listed in SIC Division C - Construction.** (5/98)
- C. **Post offices (43).** (5/98)
- D. **Building materials, hardware, retail nurseries, and garden supply (52)** except mobile home dealers (527). (5/98)
- E. **General merchandise stores (53).** (5/98)
- F. **Food stores (54).** (5/98)
- G. **Auto and home supply stores (553).** (5/98)
- H. **Eating and drinking places (58)** except as provided in Section 2.109.05. (10/14)
- I. **Miscellaneous retail (59)** except fuel and ice dealers (598) provided all display is within a building. (5/98)
- J. **Vehicle sales and secondary repair** except as provided in Section 2.109.05. (10/14)
- K. **Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).** (5/98)
- L. **Hotels, motels, and tourist courts (701).** (5/98)
- M. **Membership organizations (86).** (5/98)

- N. **Public utility structures and buildings** except as provided in Section 2.109.05. (10/14)
- O. Uses prescribed in Section 2.203 (4/12)
- P. **Unlimited number of guest rooms** including **rooming and boarding houses** (702), organization hotels and lodging homes on membership basis (704). (5/98)
- Q. **Signs** (Section 2.308) (4/12)
- R. **Miscellaneous amusement and recreation services** (799) except golf courses (7992) and amusement parks (7996). (5/98)
- S. **Landscape counseling and planning** (0781). (5/98)
- T. **News dealers and newsstands** (5994). (5/98)
- U. **Commercial printing** (275). (5/98)
- V. **Communications** (48). (5/98)
- W. **Apparel and accessory stores** (56). (5/98)
- X. **Furniture, home furnishings, and equipment stores** (57). (5/98)
- Y. **Electrical and lighting shops and office machines and equipment stores.** (5/98)
- Z. **Personal services** (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218). (5/98)
- AA. **Business services** (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391). (5/98)
- BB. **Automobile parking** (752) except as provided in Section 2.109.05. (10/14)
- CC. **Watch, clock, and jewelry repair** (763). (5/98)
- DD. **Motion picture distribution** and allied services (782). (5/98)
- EE. **Motion picture theaters** (783) except drive-ins (7838). (5/98)
- FF. **Dance halls, studios, and schools** (791). (5/98)

- GG. **Theatrical producers** (except motion pictures), **bands, orchestras**, and **entertainers** (792). (5/98)
- HH. **Bowling alleys** and **billiard and pool establishments** (793). (5/98)
- II. **Health services** (80) except hospitals (806). (5/98)
- JJ. **Ambulance service**. (5/98)
- KK. **Legal services** (81). (5/98)
- LL. **Educational services** (82). (5/98)
- MM. **Social services** (83). (5/98)
- NN. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
- OO. **Miscellaneous services** (89). (5/98)
- PP. **Executive offices** (911). (5/98)
- QQ. **Executive and legislative combined** (913). (5/98)
- RR. **Finance, taxation, and monetary policy** (93). (5/98)
- SS. **Administration of human resources programs** (94). (5/98)
- TT. **Administration of environmental quality and housing programs** (95). (5/98)
- UU. **Administration of economic programs** (96). (5/98)
- VV. **National security** and **international affairs** (97). (5/98)
- WW. **Automotive Dealers** (55) but excluding gasoline service stations (554) except as provided in Section 2.109.05. (10/14)
- XX. **Residential home care** and **adult residential home care**.
- YY. **Printing & Publishing**
- ZZ. **Child foster home** for five or fewer children as a secondary use. (6/99)
- AAA. **Pet Grooming** (6/01)
- BBB. **Transit Facilities** (Section 2.305). (5/09)

### **2.109.03 Special Permitted Uses** (10/14)

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

- A. **Partitions**, subject to the provisions in Section 2.310. (10/14)
- B. **Subdivision**, subject to the provisions in Section 2.310. (10/14)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (10/14)
- D. **Gasoline service stations** (554) (Section 2.419) except as provided in Section 2.109.05 below. (10/14)
- E. **Used Merchandise Store** (Section 2.417) provided all display is within a building. (4/12)
- F. **Religious organizations** (Section 2.423) (4/12)
- G. **Veterinary services** (074) (Section 2.414) (4/12)
- H. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.109.05 below (10/14)
- I. **Bed and breakfast establishments** (Section 2.408) (4/12)
- J. **Adult entertainment business** (Section 2.418) (4/12)
- K. **Accessory commercial uses** (Section 2.416) (4/12)
- L. **Medical Marijuana Facilities** (Section 2.433) (10/14)
- M. **Marijuana Retailer** (Section 2.433) (1/16)
- N. **Mobile Food Vendor** (section 2.434) (07/17).

### **2.109.04 Conditional Uses**

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

- A. **Water supply** (494). (5/98)
- B. **Carpet and upholstery cleaning** (7217). (5/98)

- C. **Automotive rental and leasing, without drivers** (751) except as provided in Section 2.109.05 below. (4/12)
- D. **Automotive repair shops** (753) except as provided in Section 2.109.05 below. (4/12)
- E. **Automotive services**, except repair (754) except as provided in Section 2.109.05 below. (4/12)
- F. **Electrical repair shops** (762). (5/98)
- G. **Reupholstery and furniture repair** (764). (5/98)
- H. **Professional sports clubs and promoters** (7941). (5/98)
- I. **Utilities - secondary truck parking and material storage yard** except as provided in Section 2.109.05. (10/14)
- J. **Manufacture of jewelry, silverware, and plated ware** (391). (5/98)
- K. **Manufacture of costume jewelry, novelties, buttons, etc.** (396). (5/98)
- L. **Local and suburban passenger transportation** (411). (5/98)
- M. **Intercity and rural highway passenger transportation** within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413). (4/12)
- N. **Transit Station** (Section 2.429). (05/09)

## **2.109.05 Prohibited Uses**

The following uses are prohibited from the any property fronting on River Road or Chemawa Road in the following area; the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (5/98)

- A. **Gasoline service stations** (554) (Section 2.419). (4/12)
- B. **Drive-Through windows or car service associated with eating and drinking places** (58). (5/98)

- C. **Vehicle sales and secondary repair.** (5/98)
- D. **Public utility structures and buildings.** (5/98)
- E. **Recreational vehicle parks (7033) (Section 2.412)** (4/12)
- F. **Automobile parking not associated with an allowed use (752).** (5/98)
- G. **Automotive Dealers (55).** (5/98)
- H. **Automotive rental and leasing, without drivers (751).** (5/98)
- I. **Automotive repair shops (753).** (5/98)
- J. **Automotive services, except repair (754).** (5/98)
- K. **Utilities – secondary truck parking and material storage yard.** (4/12)

## **2.109.06 Use Restrictions**

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

~~Master Plan~~ Master Plan or amended master plan. (06/10)

## **2.109.07 Dimensional Standards**

### **A. Minimum Lot Dimension and Height Requirements**

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

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

B. Minimum Yard Setback Requirements

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

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

## **2.109.08 Development Standards**

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

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. No off-street parking is required for uses above the ground floor. (5/98)
3. The off-street parking requirement for residential uses is one space per unit. (5/98)

4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces).
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area is 10%. (5/98)
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%



## **2.109.09 Design Standards**

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

Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)

1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CR zone shall comply with the following standards: (5/98)
  - a. Non-residential structures shall comply with the provisions in Section 2.315 – Development Standards. (4/12)
  - b. Residential structures shall comply with the provisions in Section 2.314 – Standards for Single Family Dwellings. (4/12)

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

### **2.110.01 Purpose**

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

### **2.110.02 Permitted Uses**

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

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- E. **Landscape** counseling and planning (0781). (5/98)
- F. **Offices** for any use listed in SIC Division C - Construction. (5/98)
- G. **Commercial printing** (275). (5/98)
- H. **Transportation, Communication and Utilities.** (5/98)
  - 1. **Public utility** structures and buildings. (5/98)
  - 2. **Post office** (43). (5/98)
  - 3. **Travel agency** (4722). (5/98)
  - 4. **Communications** (48). (5/98)

**I. Retail Trade.** (5/98)

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527). (5/98)
2. **General merchandise stores** (53). (5/98)
3. **Food stores** (54). (5/98)
4. **Automobile, recreational vehicle or trailer sales** (55), BUT EXCLUDING gasoline service stations (554). (5/98)
5. **Apparel and accessory stores** (56). (5/98)
7. **Furniture, home furnishings, and equipment stores** (57). (5/98)
8. **Eating and drinking places** (58) except as provided in Section 2.110.05, below. (5/98)
9. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598). (5/98)
10. **Electrical and lighting shops and office machines and equipment stores.** (5/98)

**J. Business, Professional and Social Services.** (5/98)

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
2. **Hotels, motels and tourist courts** (701). (5/98)
3. **Organization hotels and lodging houses** on membership basis (704). (5/98)
4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218). (5/98)
5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342). (5/98)
6. **Parking lots** (7523) except as provided in Section 2.110.05, below. (5/98)
7. **Miscellaneous repair services** (76). (5/98)
8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838). (5/98)
9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)

10. **Health services** (80), BUT EXCLUDING hospitals (806). (5/98)
11. **Legal services** (81). (5/98)
12. **Elementary and secondary schools** (8211). (5/98)
13. **Correspondence schools and vocational schools** (824). (5/98)
14. **Schools and educational services** not elsewhere classified (829). (5/98)
15. **Social services** (83). (5/98)
16. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
17. **Membership organizations** (86). (5/98)
18. **Miscellaneous services** (89). (5/98)
19. **Pet Grooming** (6/01)
- K. **Public Administration** (91-97). (5/98)
- L. **Child foster home** for five or fewer children as a secondary use. (6/99)

### **2.110.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203. (5/98)
- E. **Transit Facilities** (Section 2.305). (05/09)

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

1. **Shared housing facilities** (Section 2.403). (5/98)
2. **Zero side yard dwelling units** (Section 2.404). (5/98)
3. **Home occupations** (Section 2.407). (5/98)
4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.110.05, below. (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.110.05, below. (5/98)
10. **Veterinary services** (074) (Section 2.414). (5/98)
11. **Funeral service and crematories** (726) (Section 2.415). (5/98)
12. **Used Merchandise Store** (Section 2.417)
13. **Adult entertainment business** (Section 2.418). (5/98)
14. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.05, below. (5/98)
15. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.110.05, below. (5/98)
16. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.05, below. (5/98)
17. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
18. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
19. **Medical Marijuana Facilities** (Section 2.433) (10/14)
20. **Marijuana Retailer** (Section 2.433) (1/16)
21. **Mobile Food Vendor** (Section 2.434) (9/16)

## **2.110.04 Conditional Uses**

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. **Transit Station** (Section 2.429). (05/09)
- C. **Gasoline service stations** (554) located in the Chemawa/River Rd restriction area described in Section 2.110.05.C. subject to the following requirements (9/17):
  - 1. May only sell fuel related products such as gasoline and oil, and non-fuel-related products typically for sale in the primary Food Store use. The building containing the non-fuel related sales shall not exceed a total of 900 square feet, and the sales floor area portion shall not exceed 450 square feet. No service or repair functions are allowed. (9/17)
  - 2. Subject to the provisions in Section 2.419. (9/17)
  - 3. Must be accessory to a **Food store (54)** use. The primary Food Store use must be a minimum of 15,000 square feet in area. (9/17)
  - 4. Must be setback more than 100 feet from adjacent public streets, and must provide pedestrian oriented amenities on the entire site. (9/17)
  - 5. Must provide screening and buffering to adjacent residential uses, and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right of way or adjacent properties. (9/17)
  - 6. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts. (9/17)
  - 7. Comply with all applicable requirements and standards, including, but not limited to KDC 2.301.04 (Traffic Impact Analysis) and all mitigations required by such section. Traffic analysis must address the operational needs of the Keizer Fire District. (9/17)

## **2.110.05 Use Restrictions**

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

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

C. The following uses are prohibited from any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (12/03)

1. Gasoline service stations (554) except as provided in Section 2.110.04.C. (9/17)
2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
3. Vehicle sales and secondary repair. (5/98)
4. Public utility structures and buildings. (5/98)
5. Recreational vehicle parks (7033). (5/98)
6. Automobile parking not associated with an allowed use (752). (5/98)
7. Automotive Dealers (55). (5/98)
8. Automotive rental and leasing, without drivers (751). (5/98)
9. Automotive repair shops (753). (5/98)
10. Automotive services, except repair (754). (5/98)
11. Utilities - secondary truck parking and material storage yard. (5/98)

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

## **2.110.06 Dimensional Standards**

### **A. Minimum Lot Dimension and Height Requirements**

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

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

### **B. Minimum Yard Setback Requirements**

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (3) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (4) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than*



*five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*

- (5) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.110.07 Development Standards**

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

- A. Off-street parking:
1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
  2. No off-street parking is required for uses above the ground floor. (5/98)
  3. The off-street parking requirement for residential uses is one space per unit. (5/98)
  4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)

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

G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.

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

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%

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

H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces 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)

## **2.110.08 Design Standards**

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

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

## 2.119 GENERAL EMPLOYMENT (EG)

### 2.119.01 Purpose

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

### 2.119.02 Commercial and Industrial Use Limitations

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

### **2.119.03 Permitted Industrial Uses**

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

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

B.     **Manufacturing;**

1.     Bakery products. (205) (2/03)
2.     Beverages. (208) (2/03)
3.     Miscellaneous food preparations and kindred products. (209) (2/03)
4.     The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015)) (2/03)
5.     Textile mill products. (22) (2/03)
6.     Apparel and other finished products made from fabrics and similar products. (23) (2/03)
7.     Wood kitchen cabinets. (2434) (2/03)
8.     Nailed and lock corner wood boxes and shook. (2441) (2/03)
9.     Wood products, not elsewhere classified. (2499) (2/03)
10.    Furniture and fixtures. (25) (2/03)
11.    Paperboard containers and boxes. (265) (2/03)
12.    Printing, publishing, and allied industries. (27) (2/03)
13.    Drugs (283), **BUT EXCLUDING biological products, except diagnostic substances (2836)** (2/03)
14.    Leather and leather products (31) BUT EXCLUDING leather tanning and finishing. (311) (2/03)
15.    Glass products, made of purchased glass. (323) (2/03)
16.    Pottery and related products. (326) (2/03)

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

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

1. Communication. (48) (2/03)
2. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49)) (2/03)

**D. Wholesale trade-nondurable goods (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified. (5199) (2/03)**

- E. **Wholesale trade-durable goods (50)** BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093) (2/03)
- F. **The uses listed in above A through D, excluding B(1) shall:**
1. Be within an enclosed building; and (2/03)
  2. Permit retail sales of products manufactured on the site. (2/03)
- G. **Services**
1. Computer and data processing services. (737) (2/03)
  2. Research and development laboratories. (2/03)
  3. Management, consulting, and public relations services. (Management and Public Relations Services (874) (2/03)
  4. Noncommercial educational, scientific, and research organizations. (2/03)
- H. **Office Uses:**
1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U. (2/03)
- I. **Finance, Insurance, and Real Estate;**
1. Commercial and Stock Savings Banks. (602) (2/03)
  2. Mutual Savings Bank. (2/03)
  3. Savings and Loan Associations. (603) (2/03)
  4. Personal Credit Institutions. (614) (2/03)
- J **Public Administration;** (2/03)
1. Fire Protection. (9224) (2/03)
- K. **Retail trade;**
1. Eating and drinking places. (2/03)

**L. Services;**

1. Hotels, motels, and tourist courts. (2/03)
2. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
3. Membership sports and recreation clubs. (2/03)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)
5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833). (07/06)
6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)
7. Miscellaneous services, including pest control (7342). (2/03)

**M. Transit facilities (Section 2.305) (05/09)**

**N. Flexible Space Uses. (2/03)**

1. The following flexible space uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:
  - a. Food Stores (54). (2/03)
  - b. Apparel and Accessory Stores (56). (2/03)
  - c. Furniture, Home Furnishings and Equipment Stores (57). (2/03)
  - d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (2/03)
  - e. Business Services. (2/03)
  - f. Miscellaneous Repair Services. (2/03)
2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply; (2/03)
  - a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (L)(1)(a) – (d). (2/03)



- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site. (2/03)
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the acreage identified for IBP uses within the EG zone. (2/03)
- d. Any outdoor storage area shall:
  - 1) Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building; (2/03)
  - 2) Be enclosed with a sight-obscuring fence or wall; (2/03)
  - 3) Have at least one side conterminous with the building that it serves; (2/03)
  - 4) Have no opening within fifty feet and visible from any property boundary; and (2/03)
  - 5) Meet the other applicable requirements of this ordinance. (2/03)
- e. Loading doors shall have no opening within 75 feet and visible from any street or property boundary. (2/03)
- f. All buildings shall be capable of being redeveloped as flexible industrial space. (2/03)

#### **2.119.04 Special Permitted Industrial Uses**

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.03 under the applicable development standards in this Zoning Ordinance. (2/03)
- B. Medical Marijuana Facilities (Section 2.433). (10/14)
- C. Marijuana Grow Sites (Section 2.433). (10/14)
- D. Marijuana Retailer (Section 2.433). (1/16)

- E. Marijuana Processor (Section 2.433). (1/16)
- F. Marijuana Producer (Section 2.433). (1/16)
- G. Marijuana Wholesaler (Section 2.433). (1/16)
- H. Mobile Food Vendor (Section 2.434) (07/17).

## **2.119.05 Conditional Uses (Industrial Uses)**

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

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

## **2.119.06 Permitted Commercial Uses**

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

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (2/03)
- B. **Residential homes** and facilities. (2/03)
- C. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (8351) (4/16)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (2/03)
- E. **Landscape** counseling and planning (0781). (2/03)
- F. **Offices** for any use listed in SIC Division C - Construction. (2/03)
- G. **Commercial printing** (275). (2/03)
- H. **Transportation, Communication and Utilities.** (2/03)
  - 1. **Public utility structures and buildings.** (2/03)
  - 2. **Post office** (43). (2/03)
  - 3. **Travel agency** (4722). (2/03)

4. **Communications (48).** (2/03)
5. **Transit Facilities (Section 2.305).** (05/09)

**I. Retail Trade.** (2/03)

1. **Building materials, hardware, retail nurseries, and garden supply (52), BUT EXCLUDING mobile home dealers (527).** (2/03)
2. **General merchandise stores (53).** (2/03)
3. **Food stores (54).** (2/03)
4. **Apparel and accessory stores (56).** (2/03)
5. **Home furniture, furnishings, and equipment stores (57).** (2/03)
6. **Eating and drinking places (58).** (2/03)
7. **Miscellaneous retail (59), BUT EXCLUDING fuel and ice dealers (598).** (2/03)
8. **Electrical and lighting shops and office machines and equipment stores.** (2/03)

**J. Business, Professional and Social Services.** (2/03)

1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67).** (2/03)
2. **Hotels, motels and tourist courts (701).** (2/03)
3. **Organization hotels and lodging houses on membership basis (704).** (2/03)
4. **Personal services (72) BUT EXCLUDING industrial launderers (7218).** (2/03)
5. **Business services (73) BUT EXCLUDING disinfecting and exterminating services (7342).** (2/03)
6. **Parking lots in accordance with Section 2.303.04 of this Ordinance. (7521)** (2/03)
7. **Miscellaneous repair services (76).** (2/03)
8. **Motion pictures (78), BUT EXCLUDING drive-ins (7838).** (2/03)

9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)
  10. **Health services** (80), BUT EXCLUDING hospitals (806). (2/03)
  11. **Legal services** (81). (2/03)
  12. **Elementary and secondary schools** (8211). (2/03)
  13. **Correspondence schools and vocational schools** (824). (2/03)
  14. **Schools and educational services** not elsewhere classified (829). (2/03)
  15. **Social services** (83). (2/03)
  16. **Museums, art galleries, botanical and zoological gardens** (84). (2/03)
  17. **Membership organizations** (86). (2/03)
  18. **Miscellaneous services** (89). (2/03)
- K. **Public Administration** (91 - 97). (2/03)

## **2.119.07 Special Permitted Commercial Uses**

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

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

7. **Commuter Rail Station** (2/03)
8. **Mobile Food Vendor** (Section 2.434) (07/17).

### **2.119.08 Conditional Uses (Commercial Uses)**

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

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

### **2.119.09 Use Restrictions**

- A. The following uses are **prohibited** to be established in the EG zone: (2/03)
  1. Farm Use. (2/03)
  2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
  3. Vehicle sales and secondary repair.
  4. General Storage, including boat and RV storage.
  5. Recreational vehicle parks (7033).
  6. Automotive Dealers (55).
  7. Automotive rental and leasing, without drivers (751).
  8. Automotive repair shops (753).
  9. Automotive services, except repair (754).
- B. A limitation of the total floor area of specified uses applies to all of Area A – Village Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.119.03 (K) and 2.119.06 (I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan or amended master plan. (06/10)

### **2.119.10 Development Standards**

- A. Purpose. The Keizer Station Plan requires the development of Master Plans for each of the four areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans and Master Plan Amendments for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.

- B. Master Plan Required. A Master Plan must be ~~reviewed and~~ approved by the City Council prior to subdivision platting or development. The Master Plan shall be reviewed through a Type ~~III-B~~ review process in accordance with this Section. It is recognized that the applicant of the Master Plan for the area may not own or control all the land within the Master Plan boundary. The ~~master-Master~~ plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.
1. The Master Plan or Master Plan Amendment will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan or Master Plan Amendment is adopted, the proposed development of each use shall be reviewed ~~through the dDevelopment rReview~~ as required in Section 2.315 of the Keizer Development Code during the building permit process. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.
  2. The Master Plan or Master Plan Amendment shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code.

## **2.119.11 Dimensional Standards**

- A. Purpose. The lot size standards promote new lots and parcels with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots or parcels, which are difficult to develop or to aggregate with other lots or parcels. The standards also discourage narrow lots or parcels, which increase demand for curb cuts. The EG zone is specifically designed for the property Contained in Area A – Village Center in the Keizer Station Plan. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial uses listed in Sections 2.119.05 and .06 and a minimum twenty-five percent (25%) industrial uses listed in Sections 2.119.03 and 04. Uses shall be established in conformity with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below. (07/06)
- B. Minimum Lot Dimension Requirements.
1. Unless exempted under Section (4) below, within the acreage identified for commercial uses, at least eighty percent (80%) of the area of lots or

qualified abutting lots must meet Standard A stated in the table within this subsection and the remainder lots or parcels must meet Standard B. (07/06)

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

Development Type	Lot or Qualified Abutting Lots Standard	Minimum Lot or Qualified Abutting Lots Area	Minimum Average Width of individual Lot or of Qualified Abutting Lots*	Minimum Average Depth of individual Lots or of Qualified Abutting Lots*
COMMERCIAL (2.119.05 & .06)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
INDUSTRIAL (2.119.03 & .04)	Standard C	3 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

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

## **2.119.12 Development Standards**

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

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



- (1) *Height Exceptions. Exceptions to the maximum height standard are stated below.*
  - a. *Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.*
  - b. *Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment, which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.*
  - c. *Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.*
- (2) *Maximum lot coverage allowed for buildings, accessory structures and paved parking.*
- (3) *Alternative maximum setback option for large commercial uses.*
  - a. *Purpose. The intent of these regulations is to allow significantly deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks. (2/03)*
  - b. *Regulation. Commercial buildings that exceed 100,000 square feet of floor area are exempt from the maximum setback requirements identified in Section 2.119.10.A. provided the pedestrian system connects buildings on the site to all adjacent properties. (2/03)*
- (4) *Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Keizer Development Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (07/06)*

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

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

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

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

1. Exterior Display, Storage, and Work Activities.

- a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)
- b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)

2. All development must comply with the applicable standards identified in the Keizer Development Code including, but not limited to, the following: (2/03)

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

## **2.125 ACTIVITY CENTER OVERLAY ZONE (ACO)**

### **2.125.01 Purpose**

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

### **2.125.02 Application**

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

### **2.125.03 Uses**

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

### **2.125.04 General Development Standards**

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

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

### **2.125.05 Keizer Station Plan Development Standards – IBP Zone**

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

A. Specific Use Restrictions. A limitation of the total floor area of specified IBP uses applies to all of Area A – Sports Center and Area D – Commerce Center of the Keizer Station Plan. The uses identified in Sections 2.113.02 (J) and (N) shall be subject to total floor area limitations. This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Mmaster Plan ~~or amended master plan~~. (06/10)

B. Flexible Space Uses.

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

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

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

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

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

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

## **2.125.06 Keizer Station Plan Prohibited Uses – IBP and EG Zones**

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

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

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

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

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

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

## **2.125.07 Conditions of Approval**

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

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

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

## **2.315 DEVELOPMENT STANDARDS**

### **2.315.01 Purpose**

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (01/04)

### **2.315.02 Applicability**

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant development standards found in Section 2.315.06 of this code. (10/15)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (01/04)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (01/04)

### **2.315.03 Exemptions**

The following are exempt from the Standards: (01/04)

- A. Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (01/04)
- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period, (01/04)



- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (01/04)
- D. Agricultural uses (01/04)
- E. Any residential building housing three or fewer dwelling units. (01/04)
- F. Accessory structures of less than 500 square feet. (5/98)
- G. Any interior remodeling (01/04)
- H. A temporary business (01/04)

### **2.315.04 Administration of the Development Standards**

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (01/04)

- A. The Standards embodied in this ordinance are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (01/04)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards as contained in Section 2.315.02. (01/04)
- C. The Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (01/04)
- D. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall comply with the same procedures as a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (01/04)

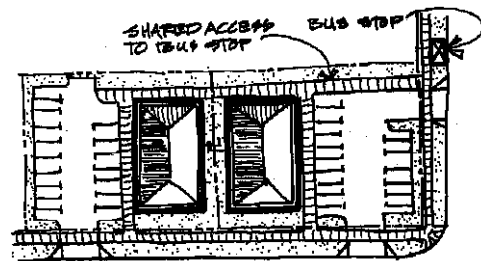
### **2.315.05 Non-Conforming Buildings**

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (01/04)

## **2.315.06 Development Standards**

All applicable development must meet the following standards: (5/98)

- A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (01/04)
1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and existing and planned (as adopted in the City Transportation System Plan) transit facilities within 600 feet of the site. (07/09)
  2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements. (01/04)
  3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage. (01/04)
  4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (01/04)
  5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (01/04)
  6. Walkway Coverage.
    - a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (01/04)



Pedestrian Access Standards

- b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (01/04)
- 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet. (01/04)
- 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (01/04)
- 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (01/04)
- 10. The building permit application or Development Standards Alternative application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process. (01/04)

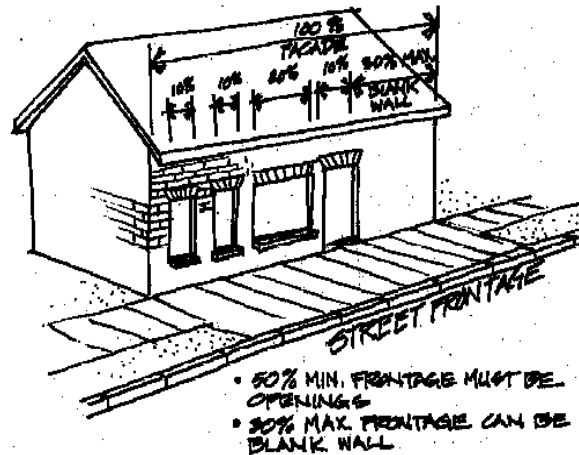
## B. Building Design

- 1. Ground floor windows
  - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. (5/98)
  - b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows,

display areas or doorway openings. The location of this elevation shall be determined as part of the required ~~Site~~-Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (01/04)

## 2. Building facades

- a. In the CM, CR, and MU zones, facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall



Facade Standards

area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (01/04)

## 4. Materials and Texture

- a. Building Materials. (01/04)

- 1) All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding. (01/04)
- 2) Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal. (01/04)
- 3) Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (01/04)

b. Trim Material. (01/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (01/04)

c. Roofing Material. (01/04)

Any roofing material is allowed including metal roofs. (5/98)

d. Foundation Material. (01/04)

Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (01/04)
  - 1) The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%. (01/04)
  - 2) Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no

greater than a 20% difference between any of the three values. (01/04)

- 3) Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (01/04)
- 4) The finish shall be either matt or satin. (01/04)
- b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (01/04)
- c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (01/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (01/04)

#### C. Accessory Structures

1. Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence: **OR**, with the exception of trash receptacles, accessory structures including buildings, sheds, mechanical devices, and other structures outside the main building must be screened by painting them the same color as the main color of the building. (01/04)
2. Trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers. (09/10)

#### D. Alternative Design Solutions. (01/04)

Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the

alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

E. Transit Facility Requirement

New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement. (07/09)

F. Transit Access

New retail, office and institutional buildings within 600 feet of a transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1 and 2 below. (07/09)

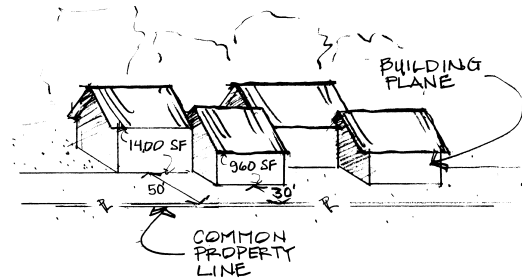
1. Walkways shall be provided connecting building entrances and streets adjoining the site; (07/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property; (07/09)
3. In addition to Subsections 1 and 2 above, sites at transit facilities must provide the following: (07/09)
  - a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection; (07/09)
  - b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site; (07/09)
  - c. A transit passenger landing pad accessible to disabled persons; (07/09)
  - d. An easement or dedication for a passenger shelter if requested by the transit provider; and (07/09)
  - e. Lighting at the transit facility. (07/09)

G. Multifamily Design. Multifamily structures shall create a form and scale to provide a transition between the multifamily development and any adjacent

single-family districts. When multifamily development abuts a single-family district, the following shall apply to multifamily structures within 50 feet of the common property line: (10/15)

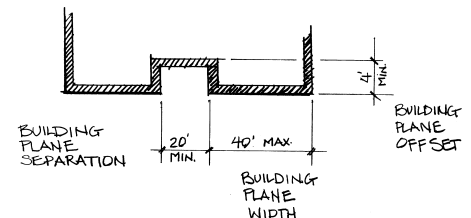
1. In addition to the requirements outlined in 2.315.06 all new apartment buildings shall include a minimum of 3 significant different materials and textures in the design of the exterior building envelope. (10/15)
2. Building planes for multifamily dwellings facing the property line abutting a residential district shall be subject to the following standards: (10/15)

- a. No building plane that faces the street or common property line shall exceed 960 square feet within 30 feet of the property line. No building plane that faces the common property line shall exceed 1,400 square feet within 50 feet of the property line. (10/15)



- b. No building plane shall have a greater dimension than 40 feet in length or 35 feet in height. (10/15)
- c. If more than one building plane faces a street or property line and the building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For the purposes of this standard, "common distance" shall be defined within 12 feet. (10/15)

- d. Building planes are defined as the plane of a building wall that extends from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. (10/15)



The plane does not include roof area. When a structure along a wall juts out from the wall, or is off-set from an adjacent part less than 4 feet, the structure is considered part of the building plane of a wall behind it. If the structure protrudes greater than 4 feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distance are measured. (10/15)



### **2.315.07 Determination of Conformance to Development Standards as Part of Building Permit Review**

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall include as part of that review, a determination of the proposal's conformance with the provisions of this chapter. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards or a design alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this chapter. (01/04)

### **2.315.08 Criteria for Development Review**

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)

### **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 COMMISSION	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)

# **KEIZER STATION PLAN**

## **INTRODUCTION**

Planning for this area began in 1987 when the Keizer Comprehensive Plan established the Chemawa Activity Center and McNary Activity Center. The first Chemawa Activity Center Plan was adopted in 1993, followed by amendments to the plan in 1995. The city amended the plan two years later and adopted the 1997 version of the Chemawa Activity Center Plan, which provides for development of a mixed-use area incorporating service commercial, industrial, housing, retail, office, and public uses. The Chemawa Activity Center Plan and the Keizer Station Plan are both “activity center design plans” as described in the Keizer Comprehensive Plan. The activity center is divided into four areas (A through D) corresponding with specific sections on the north and south side of Chemawa Road and Lockhaven Drive.

Suggested changes to the Comprehensive Plan and Zoning maps are recommended to be consistent with the types of uses based on anticipated market demand. The changes to the zoning pattern are further supported by the economic analysis conducted by Hobson Ferrarini & Associates, which demonstrates that there is a large shortfall of commercial land within Keizer. This analysis also indicates that the existing industrial land in Keizer is more than sufficient to meet the 20-year demand for industrial uses.

This plan also provides specific development standards within the Keizer Station Plan area. Development standards design details for buildings and on-site improvements and uses are provided in the Keizer Development Code.

This plan establishes four specific areas within the Keizer Station Plan area (Figure 1):

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



**FIGURE 1: SUBAREAS**

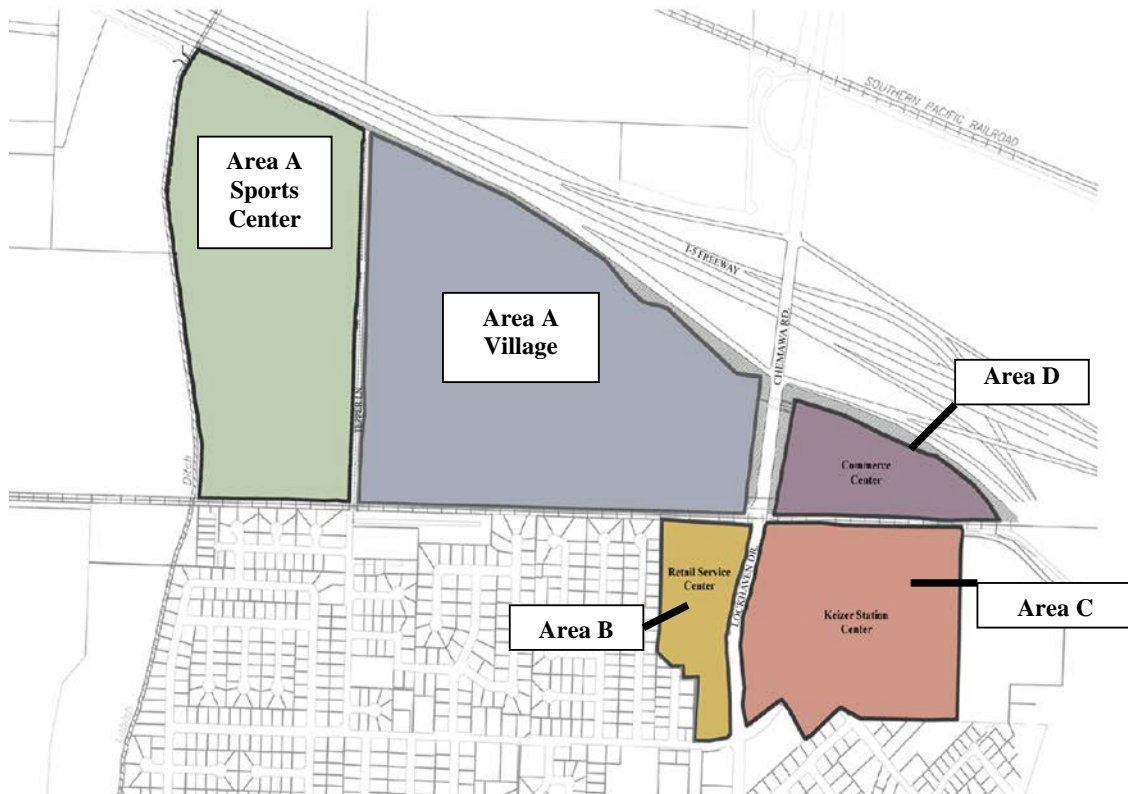


FIGURE ONE

KEIZER STATION PLAN -

SUBAREAS  
SEPTEMBER 2001



ANKROM MOISAN  
ASSOCIATED ARCHITECTS



The Keizer Station Plan is intended to build on the objectives that were previously used to guide the preparation of the Chemawa Activity Center Plan:

- Establish a northern gateway into the Keizer area;
- Provide an opportunity for multi-modal transportation options;
- Provide the opportunity to live, work and shop in close proximity to the Center;
- Provide an additional focal point for industry, commerce and community activities;
- Enhance economic activity within the community without threatening the economic health and redevelopment activities along the River Road and Cherry Avenue corridors;
- Provide an appropriate site for community facilities;
- Offer a source of employment, including family wage jobs; and
- Be a Source of Pride.

## **KEIZER STATION PLAN LAND USE AND ZONING**

The Plan takes advantage of the access and visibility of the Keizer Station Plan area and is designed to allow flexibility with applicable development standards. Compared with the Chemawa Activity Center Plan, which excludes the ballpark and properties immediately north, the Keizer Station Plan area includes these properties. The Plan land use designations, which are shown in Figure 2, include:

<b>Plan Designation</b>	<b>Acres</b>
<b>Area A</b>	
Industrial General	30.8
Campus Light Industrial	37.2
Special Planning District	93.0
<b>Area B</b>	
Commercial	11.4
Low Density Residential	1.1
<b>Area C</b>	
Mixed Use	34.5
Commercial	1.5
<b>Area D</b>	
Campus Light Industrial	15.7
<hr/>	
Total Approximate Acres	225.2

The Plan also features a new zoning district called Employment General (EG) that develops standards to promote an employment center with the opportunity for a mix of industrial and commercial uses. ~~The Keizer Development Code amendments that are necessary to implement the Keizer Station Plan are provided in Attachments A through N.~~

Based on the Comprehensive Plan Map amendments (Figure 2), the Zoning Map (Figure 3) the following approximate acreage totals for the Keizer Station Plan area by zoning district are summarized below. All of these properties are within the Activity Center Overlay for the Keizer Station Plan.

<b>Zoning District</b>	<b>Existing Acres</b>	<b>Proposed Acres</b>	<b>Change/Acres</b>
Industrial Business Park (IBP)	122.1	52.7*	-69.2
General Industrial	0	30.8	+30.8
Commercial Mixed Use (CM)	19.7	11.4	-8.3
Mixed Use (MU)	36	34.5	-1.5
Public (P)	34.9	0	-34.9
Commercial Office (CO)	12.5	0	-12.5
Commercial Retail (CR)	0	1.5	+1.5
Single Family Residential (RS)	0	1.1	+1.1
Employment General (EG)	0	93	+93
Total Approximate Acres	225.2	225.2	

*The above listed acreage is based upon data from the Marion County Assessor's Office, October 31, 2002.*

The existing and proposed zoning is further described for the four areas of the Keizer Station Plan as follows in approximate acreage:

**Area A**

**Village Center**

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Employment General (EG)	0	93
Industrial General (IG)	0	2
Industrial Business Park (IBP)	84	0
Commercial Mixed (CM)	11	0

**Sports Center**

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Industrial Business Park (IBP)	38.1	37.2
General Industrial (IG)	0	28.8
Public (P)	27.9	0

**Area B - Retail Service Center**

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Commercial Mixed Use (CM)	0	11.4
Single Family Residential (RS)	0	1.1
Commercial Office (CO)	12.5	0

**Area C - Keizer Station Center**

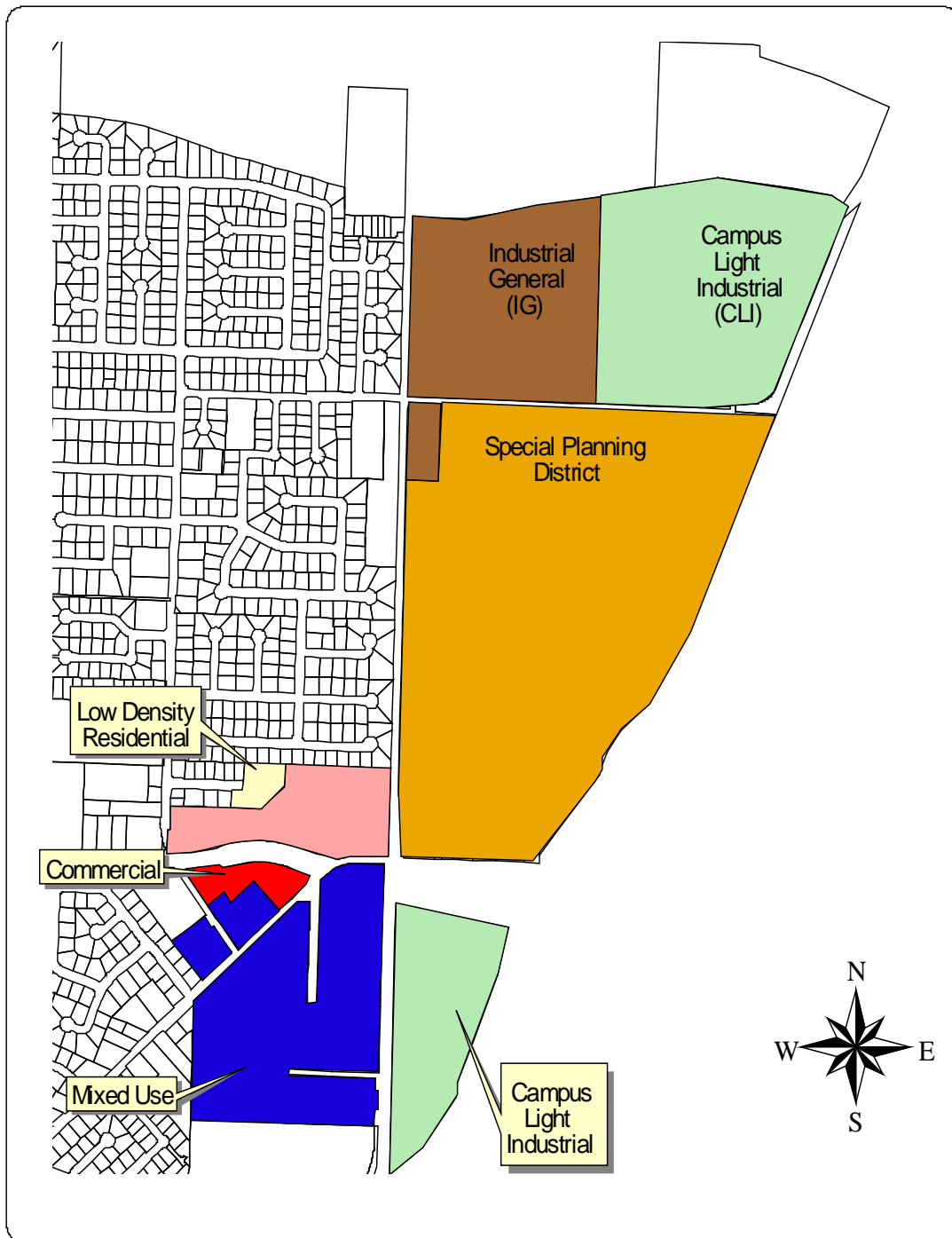
<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Mixed Use (MU)	36	34.5
Commercial Retail (CR)	0	1.5

**Area D - Commerce Center**

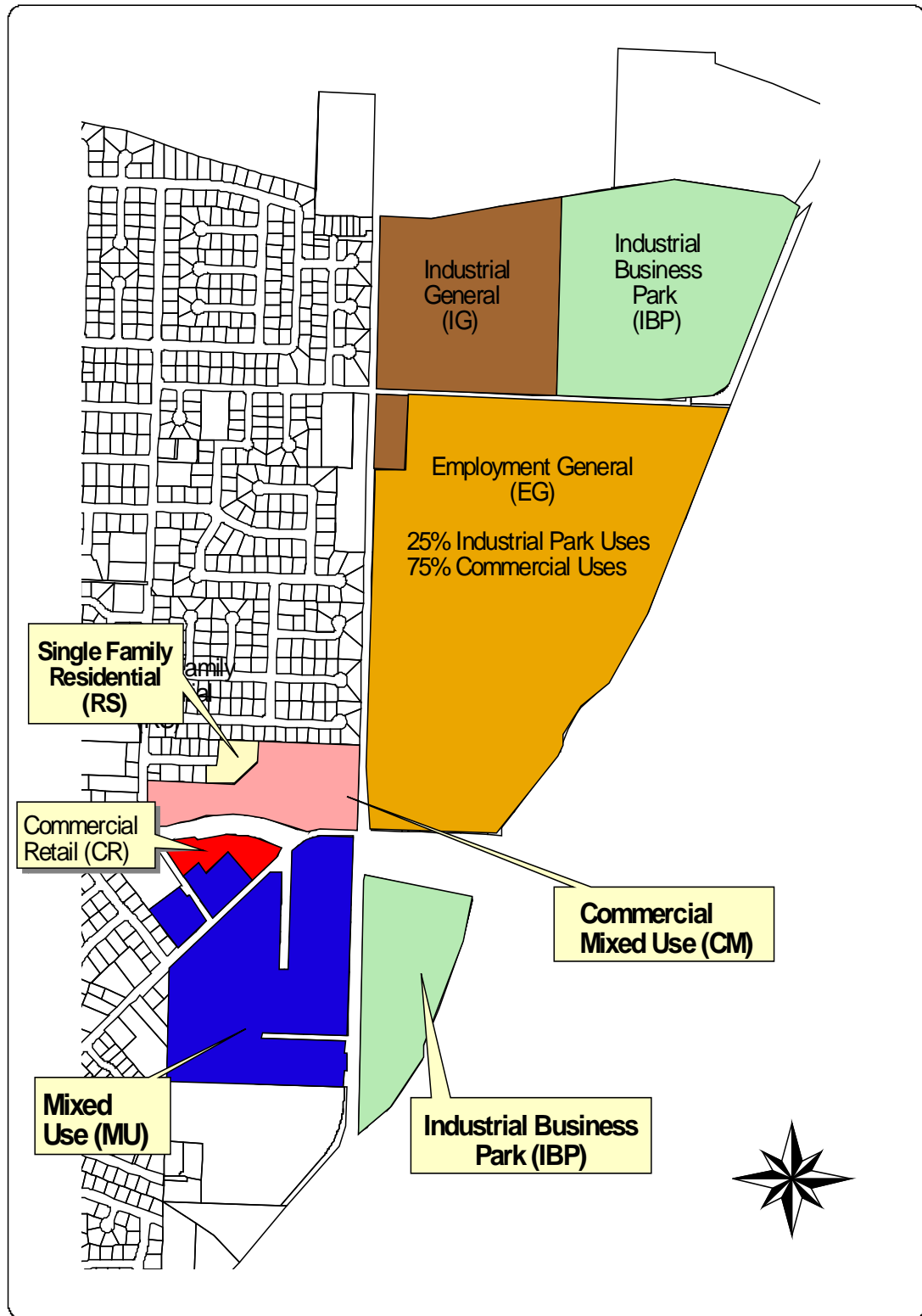
<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Industrial Business Park (IBP)	0	15.7
Commercial Mixed-Use (CM)	8.7	0
Public (P)	7.0	0

*The above listed acreage is based upon data from the Marion County Assessor's Office.*

**Figure 2: Comprehensive Plan Map Land Use Designations**



**Figure 3: Zoning Designations**



## SITE CHARACTERISTICS

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

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

## KEIZER STATION PLAN AREAS AND DESIGN GUIDELINES

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

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

To help create the mix of uses envisioned in the Keizer Station Plan, the floor area for specified uses, which generally have retail and commercial characteristics, is limited as provided in the Keizer Development Code (KDC). The types of uses that are restricted are set forth in the applicable zones. Subject to an approved reallocation as provided below and in the KDC, the square footage of Specified Uses is allocated among the following areas as follows:

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



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

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

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

## KEIZER STATION PLAN IMPLEMENTATION PROCEDURES

### Land Use Review Procedures

This Plan calls for the development of Master Plans for Area A – Village Center, Area A – Sports Center, Area B, and Area D. In Area C, a Master Plan is only required for development of two or more lots/parcels. The Master Plans are to be reviewed and approved by the City Council through a ~~Type II-B~~ review process in accordance with the Keizer Station Plan design guidelines. These Master Plans are to be publicly or privately prepared representing the development proposal for a given area. It is recognized that the applicant of the Master Plan for an area may not own or control all the land within the Master Plan boundary. All property owners in each area are encouraged to join together as co-applicants. However, to properly plan development and provision of public facilities and services, the master plan shall still cover all the area in appropriate detail based on ownership. For those portions not owned or controlled by an applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general design guidelines to be used throughout the Master Plan area. Amendments to an approved Master Plan shall require City Council approval. Subdivision approval shall be based upon the applicable zone and applicable KDC Section 3.108 requirements.

The Master Plans will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (KDC Section 2.125 of the Keizer Development Code). Individual areas may require a detailed transportation system design plan as a requirement of Master Plan approval. Once a Master Plan is adopted, individual buildings and uses must receive building permit approval. As part of the building permit process, the proposal will be evaluated for compliance with the adopted Master Plan, zone standards, and applicable design standards as referenced in the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

◆ ~~In order to establish the Type II-B procedures, KDC Section 3.101.02 is amended and shown in Attachment B.~~

◆ ~~In order to establish the criteria for Type II-B review, KDC Section 3.113 is added as shown in Attachment C.~~

## **Transportation Review Procedures**

Beginning with the adoption of the Chemawa Activity Center Plan (1997) a transportation level-of-service standard for future traffic operations at the signalized intersections on Lockhaven Drive and Chemawa Road between River Road and the eastern I-5 ramp was developed. This level-of-service standard (volume to capacity (V/C) ratio of 0.87) is included in Keizer's Transportation System Plan (TSP) as well. Traffic operations are a critical element of the future implementation of the Keizer Station Plan. Therefore, the Keizer Station Plan includes the 0.87 volume to capacity (v/c) ratio as adopted in the Chemawa Activity Center Plan.

The transportation requirements of the Keizer Station Plan may include an underpass of Chemawa Road. The underpass is one of several optional elements of the overall transportation system needed to provide safe access to and from the developing areas of the Keizer Station Plan. Provisions for construction of the underpass and/or other improvements shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below the v/c ratio of 0.87 as calculated by the critical movement analysis methodology as development occurs.

Off-ramp and other ODOT facility improvements, if necessary, shall be constructed as a regional improvement to the I-5 Interchange under ODOT's direction. Funding shall be provided, as appropriate, by all parties benefiting from the improvements.

Street right of way dedications and street vacations will be required. Prior to development, an overall preliminary plan shall be submitted for review and approval by the Department of Public Works indicating the location of all proposed public and private streets to be dedicated and vacated. All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards. During the master planning process, circulation to and within the Keizer Station Plan shall be addressed to promote pedestrian and bicycle access to the site from all surrounding areas.

## **Utility Review Procedures**

### **General:**

- A. A street lighting master plan shall be developed. A street lighting district shall be created while under the control of the developer to provide for adequate streetlights along the frontage of all new street rights of way. Decorative lighting shall be used.
- B. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at 390-7402 for the necessary permit information that is required.
- C. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
- D. Street opening permits are required for any work within the City right-of-way that is not covered by a Construction Permit.
- E. Facility phasing plans and arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works.

### **Sanitary Sewer:**

A portion of the Keizer Station Plan is located within the original Keizer Sewer District and a portion is located outside of the original district. Developers will construct the sewer trunk line and pay an acreage fee for the property outside of the original district.

- A. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the Department of Public Works for review and approval. The entire project shall be served by an existing 18-inch trunk sewer line located adjacent to Keizer Stadium.
- B. City of Salem approval for both sewer trunk lines and local sewers is required. Permits from the City of Salem shall be issued prior to construction. Prior to

submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.

- C. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- D. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- E. It will be the responsibility of the developer's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits. The timing for resolving any conflicts shall be identified as part of a Master Plan approval.

**Domestic Water:**

- A. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Location of all meters shall be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements, it is anticipated that new public wells and storage facilities will be required. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Dedication of property to the City shall be required for any wells or storage facilities developed. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- B. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.
- C. Existing wells on the subject property are to be located by the developer and reviewed by the Keizer Department of Public Works to determine if existing

water rights can be transferred to municipal use. If so, the developer shall make the transfer at the request of the City. The City will be responsible for any fees charged by the State of Oregon associated with the transfer. If the wells cannot be incorporated into the city system, the developer shall abandon them in accordance with the rules of the Oregon State Water Resources Department.

**Storm Sewer:**

- A. Development plans will require an evaluation of the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to development, an overall storm water master plan shall be submitted for review and approval by the Department of Public Works.
- B. Storm water detention will be required. All storm water and roof drains shall be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other impervious surfaces.
- C. A grading and drainage plan shall be prepared and submitted for review and approval by the Department of Public Works. Details shall include adequate conveyance of storm water from adjacent property across the subject property.
- D. As part of the Keizer Station Plan development, a detailed analysis of the various drainage basins within the planning area was completed ~~(Chapter of the September 2001 KSP proposal, Attachment N)~~. In all cases, storm water detention and treatment will be required to the standards in place at the time of development
- E. Prior to development, a phasing plan shall be submitted for review and approval by the Department of Public Works to indicate how the storm water system will be developed to provide service to each area.

## **AREA A – VILLAGE CENTER**

### **I. PURPOSE AND OBJECTIVES**

- A. **Purpose:** The Village Center (95 acres) portion of Area A is the heart of the Keizer Station Plan. The Village Center will provide the opportunity to establish a true economic activity center that will focus on offering a variety of industrial and commercial activities. In order to achieve the necessary mix of uses and design environment to create the Village Center, this plan sets forth a series of objectives for new development to accomplish.

Key issues that will need to be considered as Area A – Village Center develops include:

- Location and design of transportation facilities.
  - Traffic operations at the Chemawa Interchange.
  - Physical constraints (e.g. power lines, utility easements, rail right-of-way) that will influence the amount of buildable land and building locations; and
  - Phasing of development.
- B. **Objectives:** Development in Area A – Village Center will be focused on achieving the following objectives:
- Provide a northern gateway to Keizer;
  - Develop a variety of employment opportunities;
  - Create a focal point for commerce and community activities;
  - Establish a place for multiple activities;
  - Provide a gateway to sports activities; and
  - Be a source of employment opportunities.
- C. **Base Zones:** In order to achieve the Development Objectives for Area A – Village Center, the Special Planning District Comprehensive Plan designation shall apply to the property within the Village Center. Property within this area shall be zoned as follows:

<b>Zoning</b>	<b>Acres</b>
Employment General (EG)	93.0
Industrial General (IG)	2.0

## II. DESIGN STANDARDS

Following Master Plan approval, as described earlier, subsequent development within Area A – Village Center, shall satisfy the development standards of the underlying zone, Employment General (EG) – Section 2.119, along with the following design standards:

- A. **Development Standards:** KDC Section 2.315 *Development Standards* requires new development to ~~apply for Development Review and to~~ comply with standards identified in KDC Section 2.315.08~~–~~as part of the building permit approval process. These standards are intended to be objective and to serve as a guide to designers of developments. A building permit shall be issued when the proposal:

1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

Modification of a building permit application, which is not in substantial conformity with the Development Standards or the approved Master Plan, may be approved by the City Council under KDC Section 2.315.09~~–~~as a design alternative.

- B. **Additional Design Standards:** Development throughout Area A – Village Center will also be controlled by a set of design standards aimed at establishing an environment that promotes a coordinated approach to developing the entire 95 acres. The intent is to establish design standards in addition to the standards identified in KDC Section 2.315 that will guide future development in a manner that will achieve the development objectives for Area A – Village Center. The following Design Standards shall also apply to new development in Area A – Village Center area as part of the Master Plan approval process:

1. **Gateway.** In order to achieve the objective of making Area A – Village a gateway to Keizer, a gateway feature visible from I-5 shall be provided.
2. **Weather protection.** Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrance(s). Weather protection is encouraged along building frontages abutting a public



sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

### III. TRANSPORTATION SYSTEM

The extension of Radiant Drive through Area A – Village is a key element, not only to the transportation system, but to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. **Streetscape.** Radiant Drive is relocated to bisect Area A – Village Center and will provide a landscaped entry as well as providing a direct connection into Area A – Village Center. The design of Radiant Drive and internal streets shall include landscape features as approved by the City Council as part of the Master Plan approval process. Landscaping and streetscaping provisions identified in KDC Section 2.119, ~~Attachment A~~.
- B. **Access.** Access from Radiant Drive to adjoining property shall be controlled. The intent of Radiant Drive is to provide efficient through traffic. Signalized access connections will be located at least 600 feet apart, except where approved by the City Traffic Engineer. Additional access connections on Radiant Drive should be limited and designed to maximize the flow of traffic. All internal signalized intersections on Radiant Drive will operate at a V/C standard of 0.87 or better.
- C. **Pedestrian circulation:**
  - 1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
    - a. Streets abutting the site;
    - b. Parking areas;
    - c. Shared open spaces and play areas;
    - d. Abutting transit stops;
    - e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
    - d. Adjacent buildings.

2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

#### **IV. UTILITIES**

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. All utilities located adjacent to Radiant Drive and connecting transportation facilities shall be located underground.
- B. All other new utility connections and lines shall be located underground where practicable.

#### **V. PARKING**

Parking standards for Area A – Village Center shall follow the standards located in the corresponding base zone as well as Off-Street parking and Loading – Section 2.302. In addition to these standards, the following shall also apply:

- A. Location of parking – If the building is located within 20 feet of the Radiant Drive right-of-way, there shall be no parking or maneuvering between the building and the right-of-way.

#### **VI. LANDSCAPE**

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standards shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of the Village Center along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village Center without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.

Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

## **AREA A – SPORTS CENTER**

### **I. PURPOSE AND OBJECTIVES**

A. **Purpose:** Area A – Sports Center (66 acres) is the location of the Keizer Stadium as well as the potential location for a variety of industrial, entertainment, recreation and sports-related facilities. A portion of this area is devoted to an existing power substation and a baseball stadium. Area A – Sports Center will be accessed via the extension of Radiant Drive through Area A - Village. Key issues that will need to be considered as Area A – Sports Center develops include:

- Location and design of Radiant Drive;
- Physical constraints that will influence the amount of buildable land and building locations;
- Phasing of development;
- Coordination with Keizer Stadium activities; and
- Relationship to Lake Labish restoration improvements.

B. **Objectives:** Development in Area A – Sports Center will be focused on achieving the following objectives:

- Providing development opportunities for industrial and recreation facilities while addressing building constraints;
- Creating an industrial, recreation and community center; and
- Providing compatible uses to the existing power transmission center.

B. **Base Zone:** In order to achieve the Area A – Sports Center Development Objectives, the Comprehensive Plan designation for property within Area A – Sports Center shall be Campus Light Industrial and General Industrial. Property within the Sports Center shall be zoned as follows:

<b>Zoning</b>	<b>Acres</b>
Industrial Business Park (IBP)	37.2
General Industrial (IG)	28.8

## II. DESIGN STANDARDS

Following Master Plan approval, as described earlier, subsequent development within Area A – Sports Center, shall satisfy the development standards of the underlying zone, Industrial Business Park—Section 2.113 along with the following design standards:

- A. **Development Standards:** KDC Section 2.315 *Development Standards* requires new development to apply for Development Review and to comply with standards identified in KDC Section 2.315-08 as part of the building permit approval process. These standards are intended to be objective and to serve as a guide to designers of developments. A building permit shall be issued when the proposal:

1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

Modification of a building permit application, which is not in substantial conformity with the Development Standards or the approved Master Plan, may be approved by the City Council under KDC Section 2.315-08 as a design alternative.

- B. **Additional Design Standards:** In addition to the design standards in the underlying base zones, the following design standards shall apply as part of the Master Plan approval process:

1. The requirement in Industrial Business Park Section 2.113-05-H (Lot Coverage) for 20 percent of the gross area of a lot in the IBP district shall also apply to Area A – Sports Center.
2. The requirement in General Industrial Section 2.114-05-B is amended to allow an additional one foot of height for every five feet of setback from residential areas in Area A – Sports Center.

## III. TRANSPORTATION SYSTEM

The extension of Radiant Drive into Area A - Sports Center is a key element, not only to the transportation system, but also to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. Radiant Drive is relocated to bisect Area A – Village Center and will provide a landscaped entry into the area as well as providing a direct connection into the Area A - Sports Center.
- B. Access from Radiant Drive to adjoining property shall be controlled. The intent of Radiant Drive is to provide efficient through traffic. Signalized access connections will be located at least 600 feet apart, except where approved by the City Traffic Engineer. Additional access connections on Radiant Drive should be limited and designed to maximize the flow of traffic. All internal signalized intersections on Radiant Drive will operate at a V/C standard of 0.87 or better.
- C. **Pedestrian circulation:**
  - 1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
    - a. Streets abutting the site;
    - b. Parking areas;
    - c. Shared open space and play areas; and
    - d. Abutting transit stops;
    - e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
    - f. Adjacent buildings.
  - 2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

#### **IV. LANDSCAPE**

In addition to the development standards of Site and Landscape Design – KDC Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of the Sports Center along I-5 with the request for master plan approval.

- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Sports Center without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

## **AREA B – RETAIL SERVICE CENTER**

### **I. PURPOSE AND OBJECTIVES**

A. **Purpose.** Area B – Retail Service Center (12.5 acres) is envisioned to offer community supporting retail services such as a food store, personal services and specialty retail. In addition, the plan proposes the completion of Dennis Ray Avenue to complete the residential neighborhood nearby. In addition to the permitted uses, a Transit Station (bus service or commuter rail service) is allowed as a Conditional Use in the CR zone consistent to Section 2.4 of the Keizer Development Code.

Key issues that will need to be considered as Area B develops include:

- Site access;
- Buffering between adjacent residential areas; and
- Traffic operations on Lockhaven.

B. **Objectives:** Development in Area B will be focused on achieving the following objectives:

- Complete residential neighborhood on Dennis Ray Avenue and provide a pedestrian and bicycle connection to nearby commercial activities;
- Provide convenient retail opportunities for nearby residential areas;
- Create a landscape buffer along the northern edge of the site; and
- Protect traffic operations on Lockhaven Drive and McLeod Lane.
- Location and operation of future Commuter Rail Transit Station.

C. **Base Zones:** In order to achieve Area B Development Objectives, the Comprehensive Plan designation for property within the Area B shall be Low Density Residential for those properties zoned Single Family Residential and Commercial for the property zoned Commercial Mixed (CM). Property within Area B shall be zoned as follows:

<b>Zoning</b>	<b>Acres</b>
Commercial Mixed Use (CM)	11.4
Single Family Residential (RS)	1.1



## II. DESIGN STANDARDS

Following Master Plan approval, as described earlier, subsequent development within Area B, shall satisfy the development standards of the underlying zone, along with the following design standards:

- A. **Development Standards:** KDC Section 2.315 *Development Standards* requires all new commercial and multi-family development to apply for Development Review and to comply with standards identified in Section 2.315-08 as part of the building permit approval process. These standards are intended to be objective and to serve as a guide to designers of developments. A building permit shall be issued when the proposal:

1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

Modification of a building permit application, which is not in substantial conformity with the Development Standards or the approved Master Plan, may be approved by the City Council under KDC Section 2.315-08 as a design alternative.

- B. **Other Design Standards:** In addition, the Residential Single Family (RS) and Commercial Mixed (CM) zones provide design standards for new development.

## III. TRANSPORTATION SYSTEM

Traffic operations on Lockhaven Drive are an important design issue as Area B develops. Careful consideration of the location of access points to Lockhaven Drive and McLeod to the site will need to occur. Based on initial traffic assessments for the Keizer Station Plan, the following traffic-related elements shall be a part of future development of Area B:

- A. **Access to Lockhaven Drive.** Access will be via a single access point forming the northern leg of the Lockhaven Drive and Chemawa Road intersection. Additional

or alternative access will only be allowed when it is demonstrated to the approval of the City Traffic Engineer that it can be designed so as to have minimal impacts on the safe and efficient flow of traffic on Lockhaven Drive.

- B. **Access to McLeod.** Access may be provided via a single access point located as far north as possible. No automobile access shall be allowed to Dennis Ray Avenue. At the City Traffic Engineer's discretion, this driveway may be limited to right-in/right-out depending on anticipated traffic flows.
- C. **Pedestrian Connectivity.** A pedestrian/bicycle connection Area B shall be provided at Dennis Ray Avenue. The circulation system shall include provisions to provide pedestrian and bicycle connections to the overall Keizer Station Activity Center area from Area B and to Dennis Ray Avenue.
- D. **Internal Circulation.** This is provided to allow internal circulation and avoid the need to use Lockhaven Drive for vehicle trips within Area B.
- E. **Pedestrian circulation:**
  - 1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
    - a. Streets abutting the site;
    - b. Parking areas;
    - c. Abutting transit stops; and
    - d. Adjacent buildings.
  - 2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.
- F. The potential location of the Commuter Rail Transit Center in Area B of the Keizer Station. This is intended to be located along the west side of the Portland Western Railroad and in close conjunction with the bus transit center.

#### IV. UTILITIES

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. All new utility connections and lines shall be located underground.

## **V. LANDSCAPE**

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan, including the use of trees, shall be provided for the frontage portion of Area B along Lockhaven Drive and McLeod with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area B without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
  - 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

## **AREA C – KEIZER STATION CENTER**

### **I. PURPOSE AND OBJECTIVES**

A. **Purpose.** Area C (36 acres) is intended to allow for a mix of uses, both residential and commercial as well as opportunities for connection to public transit. Key issues that will need to be considered as the Keizer Station Center area develops include:

- Traffic operations on Lockhaven and Chemawa, especially at the intersection;
- Appropriate mix of uses;
- Compatibility with existing residential development

B. **Objectives:** Development in Area C will be focused on achieving the following objectives:

- Compatibility with existing residential development;
- Mix of uses that support transit development; and
- Preserving opportunities to support a future Commuter Rail Transit Station.

C. **Base Zones:** In order to achieve the Keizer Station Plan Development Objectives, the Comprehensive Plan designation for property within the Keizer Station Center area shall be Mixed Use and Commercial. Property within the Keizer Station Center area shall be zoned as follows:

<b>Zoning</b>	<b>Acres</b>
Mixed Use (MU)	34.5
Commercial Retail (CR)	1.5

## II. DESIGN STANDARDS

Following Master Plan approval, as described earlier, subsequent development within Area C, shall satisfy the development standards of the underlying zone, along with the following design standards:

- A. **Development Standards:** KDC Section 2.315 *Development Standards* requires all new commercial, industrial and multi-family development to apply for Development Review and to comply with standards identified in KDC Section 2.315-08 as part of the permit approval process. These standards are intended to be objective and to serve as a guide to designers of developments. A building permit shall be issued when the proposal:

1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

Modification of a building permit application, which is not in substantial conformity with the Development Standards or the approved Master Plan, may be approved by the City Council under KDC Section 2.315-08 as a design alternative.

- B. **Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in the Keizer Station Center

- C. **Other Design Standards:** In addition to the design standards in the underlying base zones, Mixed Use – KDC Section 2.107 and Commercial Retail – KDC Section 2.109, the following design standard shall apply to CR zoned properties within the Keizer Station Center area as part of the Master Plan approval process:

1. **Building orientation:** Buildings located within the Commercial Retail area shall have the building's primary entrance oriented to Lockhaven.

### **III. TRANSPORTATION SYSTEM**

Traffic operations on Lockhaven Drive are an important design issue as the Keizer Station Center area develops. Careful consideration of the location of access points to Lockhaven Drive, McLeod and Chemawa will need to occur. Based on initial traffic assessments for the overall Keizer Station Plan, the following traffic-related elements shall be a part of future development of Area C:

- A. Access to Lockhaven Drive will be allowed when it is demonstrated to the approval of the City Traffic Engineer that it can be designed so as to have minimal impacts on the safe and efficient flow of traffic on Lockhaven Drive.
- B. Access to McLeod and Chemawa shall be coordinated with properties on both sides of these roads to minimize the number of access points and to align primary access points opposite each other. At the City Traffic Engineer's discretion, driveways may be limited to right-in/right-out depending on anticipated traffic flows.
- C. The circulation system shall include provisions to provide pedestrian and bicycle connections to the overall Keizer Station Plan area.

### **IV. UTILITIES**

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. All new utility connections and lines shall be located underground.

### **V. LANDSCAPE**

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan, including the use of trees, shall be provided for the frontage portion of the Keizer Station Center along Lockhaven Drive with the request for master plan approval.

- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area C without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

## **AREA D – COMMERCE CENTER**

### **I. PURPOSE AND OBJECTIVES**

A. **Purpose:** Area D (15 acres) is proposed to have a mix of industrial uses. Key issues that will need to be considered as Area D develops include:

- Location and design of transportation facilities;
- Traffic operations at the Chemawa Interchange; and
- Physical constraints (e.g. power lines, utility easements and rail right-of-way) that will influence the amount of buildable land and building locations.

B. **Objectives:** Development in Area D will be focused on achieving the following objectives:

- A Source of Employment Opportunities; and
- Protect Traffic Operations

C. **Base Zone:** In order to achieve the Commerce Center Development Objectives, the Comprehensive Plan designation for property within the Commerce Center shall be Campus Light Industrial. Property within Area D shall be zoned as follows:

<b>Zoning</b>	<b>Acres</b>
Industrial Business Park (IBP)	15.7

### **II. DESIGN STANDARDS**

Following Master Plan approval, as described earlier, subsequent development within Area D, shall satisfy the development standards of the underlying zone, along with the following design standards:

A. **Development Standards:** KDC Section 2.315 *Development Standards* requires new development to apply for Development Review and to comply with standards identified in KDC Section 2.315.08. These standards are intended to be objective and to serve as a guide to designers of developments during the building permit approval process. A building permit shall be issued when the proposal:



1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

Modification of a building permit application, which is not in substantial conformity with the Development Standards or the approved Master Plan, may be approved by the City Council under KDC Section 2.315:~~08~~ as a design alternative.

- B. **Other Design Standards:** Design standards the underlying base zone, Industrial Business Park – Section 2.113 shall apply.

### III. TRANSPORTATION SYSTEM

The extension of transportation facilities through Area D is a key element, not only to the transportation system but also to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. Transportation facilities may be established to bisect Area D to provide a landscaped entry into Area D and Area A – Village activities.
- B. Access from a potential transportation facility to adjoining property shall be controlled. The intent of Radiant Drive is to provide efficient through traffic. Signalized access connections will be located at least 600 feet apart, except where approved by the City Traffic Engineer. Additional access connections on Radiant Drive should be limited and designed to maximize the flow of traffic. All internal signalized intersections on Radiant Drive will operate at a V/C standard of 0.87 or better.

### IV. UTILITIES

In addition to the development standards of Utility Lines and Facilities – Section 2.307 the following standard shall apply to new utilities:

- A. All utilities located adjacent to transportation facilities connecting to Radiant Drive shall be located underground.

- B. All other new utility connections and lines shall be located underground.

## **V. LANDSCAPE**

In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of Area D along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area D without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
  - 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

## **FINANCING OPTIONS – ALL AREAS**

Financing for certain pieces of infrastructure and/or facilities within the Keizer Station Plan area may be financed through the implementation of certain public financing options if agreeable to the City and property owner(s). Some of these options could include, but not necessarily be limited to the implementation of one or more local improvement district(s), creation of one or more tax overlay zone(s), and/or the issuance of Bancroft bonds as allowed for by the Oregon State Constitution. Infrastructure components and/or facilities funded by public financing options could include, but not necessarily be limited to, recreational facilities, streets, water/sewer/storm water improvements, or similar improvements.

**CITY COUNCIL MEETING: AUGUST 6, 2018**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: TIM WOOD, FINANCE DIRECTOR**

**SUBJECT: KEIZER UNITED DISBURSEMENT REQUEST**

**BACKGROUND:**

During the 2018-19 City of Keizer budget committee meetings, Keizer United requested \$2,000 in funding (exhibit one). The Budget Committee recommended the appropriation be included in the 2018-19 City of Keizer's Committee Approved Budget subject to additional review and approval by the City Council prior to the disbursement of funds.

Specifically Keizer United was requested to submit a financial plan identifying how the funds would be used (exhibit two) and related governance forms such as the grant application form (exhibit three) and bylaws (exhibit four) for Council review.

**FINANCIAL IMPACT:**

The 2018-19 City of Keizer's Adopted Budget provides for up to \$2,000 in appropriations for Keizer United. Approval of the disbursement request would authorize the City to disburse those funds to Keizer United.

**RECOMMENDATION:**

Staff recommends that the City Council review the exhibits and determine how much, up to the \$2,000 appropriated, to authorize the City to disburse to Keizer United.



# City of Keizer Budget Request Form Fiscal Year 2018-19

**MUST BE SUBMITTED BY Friday March 30, 2018**

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Name of Organization: \_\_\_\_\_

Name of Requestor submitting the form: \_\_\_\_\_

Date Request Submitted: \_\_\_\_\_ Date of Anticipated need: \_\_\_\_\_

**Amount REQUESTED for FY18-19** \$ \_\_\_\_\_

**Amount in CURRENT budget FY17-18** \$ \_\_\_\_\_

If your organization received funds in previous fiscal years please explain how these funds were used and what was the impact or result.

**Describe the project, program or item(s) to be purchased:** Include the following: Description of the need and how this benefits a public purpose. Please identify all entities/partners involved. Provide any other information you feel necessary.

**Future Cost & Maintenance:** Are there additional future costs related to this project beyond the current fiscal year? If so, how will those costs be addressed? Is there future maintenance issues associated with this project? If so, how will they be handled?

**Impact of Partial Funding, Delay or Denial:** Is partial purchase/implementation possible? Impact? What if the funding is denied or postponed until next budget cycle? Impact?

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Who will be present to speak to this budget request at the public hearing **Tuesday May 1 or Thursday May 3?**

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

Contact number: \_\_\_\_\_

Submit form to Tim Wood at [woodt@keizer.org](mailto:woodt@keizer.org) or 930 Chemawa Road NE, Keizer OR 97303 Questions 503-856-3413

**Expenditures 2018-19 Fiscal Year  
Projected Budget**

**Meeting Expenses**

1200	KU Monthly Meetings - Lunch Foods
200	Supplies
250	New Brochures and Banner

**Ongoing Community Support**

250	iLead
500	Community Gardens
250	Schools
2500	Peer Court

**Projected Community Funding Requests**

300	Bike Rodeo
250	Additional Schools
1000	Supporting New Partners

**Total**

5700



# Keizer United

## **COMMUNITY GRANT APPLICATION FORM**

**Better Together  
to make a difference**

Keizer United formed in 1996 by a group of local community members. Established Non-Profit in 1996 EIN 93-1219728. Keizer United is a recognized Community Partner Team (CPT).



Keizer United Community Grant provides support for the Keizer area. As part of that commitment we aim to help enhance the lives of people living around us, and to help promote co-operative values and principles. We believe that creative sustainable solutions come from people who work, live, and worship within our community.

## Overview

Community Grant amounts vary according to need. Applicants can be submitted at any time.

Organizations can request a grant application at [keizerunited@gmail.com](mailto:keizerunited@gmail.com). A PDF form will be forwarded to your organization. A word document can be forwarded by request. Application must be filled out and forwarded to Keizer United. Grant applicant will be invited to attend a Keizer United board meeting to present official grant request. **ALL APPLICANTS MUST ATTEND BOARD MEETINGS** as described below to be considered for funding.

If funding is approved and received, applicant and/or member of organization must complete report form, present on grant support funds within 2 months of completion, and attend a minimum of three meetings within six months.

## Areas of Funding:

There are 7 areas of funding for which an organization can apply.

- ♦ **Children and Youth:** *provide services to help children and*
- ♦ *youth be healthy and well*
- ♦ **Families:** *Strengthen family skills and*
- ♦ *ability to nurture children and youth*
- ♦ **Education:** *Create support*
- ♦ *for higher education, after school enrichment and tutoring*
- ♦ **Homelessness/poverty:** *create a community of culture of*
- ♦ *awareness and support*
- ♦ **Healthy Living:** *Sustainable approaches to promote healthy living, good nutrition, activities, prevention*
- ♦ **Public Safety:** *Prevention, education, self-awareness, community awareness*
- ♦ **Diversity and Inclusion:** *Fostering the building of relationships and understanding among diverse groups.*

All grant applications are made subject to Keizer United review of the organization's reputation and activities and the organization's agreement to comply with Keizer United terms and conditions. Keizer United reserves the right to decline funding to any organization based on Keizer United review of the organization's reputation and activities.

# Community Grant Application Form

Please ensure that you have read and understood the application terms and criteria.

## SECTION 1 - CONTACT INFORMATION

1a) Applicant name/ group name

1b) Contact name

1c) Contact address

1d) Contact e-mail

1e) Contact phone

1f) Registered Address (If applicable)

1g) Position in Organization/Group

1h) Are you or any member of your group a member of Keizer United? (YES) (NO)

If yes, please provide a list of members with e-mail,  
and phone

## SECTION 2 - Tell us about your group

2a) What category does your project fall into? (please check)

Children/Youth ☐ Families ☐ Education ☐  
Homelessness/poverty ☐ Healthy Living ☐ Public Safety ☐  
Diversity ☐ Other (please specify) \_\_\_\_\_ ☐

2b) Please provide a brief description of the activities you/your group undertake

2c) In what year was the group founded? (if applicable)

2d) Are you a registered charity?

If yes, please provide registered

number 2e) Are you a co-operative? Yes No

A cooperative (also known as co-operative, co-op, or coop) is "an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise". Cooperatives may include: non-profit community organizations.

## SECTION 3 - Tell us about the community activity you wish to support

3a) How much are you applying for?

3b) Are you applying for, or receiving funding from another source?

If so, from where and how much?

3c) Please explain what the community grant support will be used for

3d) How will your project benefit the community?

## SECTION 4 - Keizer United disclaimer

4a) Keizer United will sometimes use information about your project/group for promotional purposes on social media, print media, or another source. Do you give permission for this?

4b) Keizer United will use methods such as email to keep you informed of Keizer United business. Please mark if accept email notifications in area(s) listed:

Board meetings ☐ Events ☐ Public Information ☐ Grant information ☐

## SECTION 5 - Acceptance

By signing this application, I confirm all information is credible and I have read and accepted the Grant Selection Criteria

Printed name: \_\_\_\_\_

Signature \_\_\_\_\_

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

Date	In person	e-mail	Mail	Other
Board Member who received request:				
Date KU Member Presented to board:				
Date applicant invited to present at board meeting:				
Date applicant attended and presented at board meeting:				
Date Board vote on application: rejected				
If accepted, amount granted:				

# KEIZER UNITED

## BYLAWS

### ARTICLE 1

#### Name and Office

Section 1.01 Name: The name of this Oregon nonprofit corporation shall be Keizer United.

Section 1.02 Principal Office: The principal office of the corporation shall be at XXXXXXXXXXXXXXX or at such other place or places as the Board of Directors upon duly enacted resolution may decide.

### ARTICLE 2

#### Purpose

This corporation is organized and operated exclusively for charitable and educational purposes. Subject to limitations stated in the Articles of Incorporation, the purposes of Keizer United shall be to engage in any lawful activities, none of which are for profit, for which corporations may be organized under Chapter 65 of the Oregon Revised Statutes and Section 501 c (3) of the International Revenue Code of 1954 (or corresponding future statutes).

The primary purposes of Keizer United are:

- (a) Building community involvement.
- (b) To strengthen families.

### ARTICLE 3

#### Members

Keizer United shall be a non-membership corporation.

### ARTICLE

#### Board of Directors

Section 4.01 Governances: the governance of Keizer United shall be vested in the Board of Directors as further provided in these bylaws. The Board of Directors shall set policy for and oversee the operations of the corporation. Directors shall serve without compensation.

Section 4.02 Compositions: The Board Members shall consist of minimum of nine and maximum of twenty-five members, the exact number of which shall be fixed by resolution of the Board. The majority of the board must either reside, work, worship or otherwise be invested in the Keizer area.

Section 4.03 Terms of Office: Board Members shall serve for three years staggered terms, except for the inaugural Board, for which terms shall be for one,, two and three years in order to establish a staggered term arrangement. Terms shall be arranged so that no more than one-third of the terms shall expire at the end of an elective year. To serve additional terms must be a majority vote.

Section 4.04 Elections: The Board shall elect its own members. Expired positions on the Board of Directors will be filled each year as needed by majority vote of current members and from a slate of nominees purposed by Board Members.

Section 4.05 Resignations and Vacancies: Any Board Member may resign by submitting a written letter of resignation to any Officer of the Board. Any Director Board Member who fails, without acceptable cause, to attend three consecutive called meetings during an elective year may be automatically removed from office.

Section 4.06 Annual Meetings: Annual Meetings of Keizer United shall be held at such a time and place as shall be determined by the Board of Members.

Section 4.07 Regular Meetings: The Board of Members shall meet at least ten times per year at such times and places determined by the Board.

Section 4.08 Special Meetings: Special Meetings of the Board Members shall be held at the time and place determined by the Board.

Section 4.09 Notice of Meetings: Written notice of annual regular and special meetings, including date, time and location shall be sent to all Board Members at least four days prior to annual meetings and at least 48 hours prior to regular and special meetings.

Section 4.10 Quorum: A majority of Board Members shall constitute a quorum for the conduct of business. A quorum will consist of minimum of five members or a majority of the Board Members, whichever is greater.

Section 4.11 Majority Vote: Action taken at a meeting of the Board Members shall be a majority of those present and voting except as may otherwise be required herein. Voting by absentee ballot or proxy shall be allowed if approved by a majority of those present and voting at the meeting.

Section 4.12 Mail, Email or Telephone Ballot: Any business to come before the Board Members may be conducted by mail, email or telephone ballot.

Section 4.13 Action by Consent: Any action required by law to be taken at a meeting of the Board, or any action which may be taken at a meeting of the Boards, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all the Board Members.

Section 4.14 Policies: The Board Members shall have the authority of adopt and enforce such policies, procedures, rules and regulations deemed appropriate and beneficial to Keizer United.

## ARTICLE 5 Officers

Section 5.01 Officers: The officers of Keizer United shall be a Chair of the Board of Directors, a Vice Chair, and a Secretary-Treasurer. Other subordinate offices may be created by action of the Board of Directors.

Section 5.02 Elections: The Board of Directors shall elect the offices at the Annual Meeting from the slate of candidates proposed by Board Members. All officers must be elected from current members of the Board Member Elections. Election of officers shall be by majority vote.

Section 5.03 Terms: All officers shall serve one year terms or until a successor is elected and qualified.

Section 5.04 Number of Offices: No individual shall hold more than one elected office during the same elective year.

Section 5.05 Resignations and Vacancies: Any officer may resign at any time by delivering a written resignation to any officer of the Board. A vacancy of the office of Chair or Treasurer shall be filled within 90 days at a regular meeting of Board Members following the vacancy. Should a vacancy occur simultaneously in the offices of the Chair and Vice Chair, the Secretary or Treasurer shall assume the duties of the Chair until an election is held to elect a new Chair and Vice Chair, within 90 days.

Section 5.06 Removal: Any officer may be removed from office by a two-thirds vote of all members of the Board in the office

Section 5.07 Duties: The duties of each officer shall be such as their title, by general usage, would indicate, such as may be assigned to them for time to time by the Board of Directors, and such as required by law.

Section 5.08 Absence of Chairperson: In the absence of the Chair, the Vice Chair shall perform the duties of Chair. If a vacancy occurs in the office of Chair, the Vice Chair shall assume the duties of the Chair for the remainder of the unexpired term, or until new Chair is elected.

## ARTICLE 6 Committees and Associated Organizations

Section 6.01 Committees: In order to ensure the broadest possible community participation and to enhance the successful implementation of the purposes of the corporation, the Board will authorize the formation of committees, including but not limited to the following:

- (a) Committees: The Board of Directors may establish such committees as it deems necessary and desirable. Such committees may exercise functions of the Board or may be advisory committees.

Section 6.02 Committee Membership: The Chair of the Boards will appoint committee members. Each committee shall contain at least one member of the Board, who may serve as committee chair or committee liaison to the Board.

Section 6.03 Ex-officio Members: The Chair of the Board shall be an ex-officio member of all committees.

Section 6.04 Quorum and Action: A majority of committee members shall constitute a quorum. Action shall be by majority vote of those present and voting.

Section 6.05 Meetings: The committee chair, Chair of the Board, Board of Directors or majority of committee member may call a meeting of the committee. Notice the time and place of a meeting shall be at least 48 hours in advance of the meeting.

Section 6.06 Committee Reports: Committee shall make a written report on their progress to the Board of Directors as the Board may request.

Section 6.07 Limitations on Committees: In general, all committees are subject to such limitations as may be provided by statements of policy, rules and other directives adopted by the Board. This will include directives as to the scope of action and conditions under which committee chairs and members can be replaced for the commission of improper acts or failure to function.

Section 6.08 Associated Organizations: The Board of Directors may authorize the formation of a foundation, association, and other associated organizations. The purpose of such associated organizations shall be to render service to the corporation in a manner approved by the Board. Such service may include fund raising activities and participation in programs designed to enhance the reputation of the corporation.

Section 6.09 Bylaws, Rules and Regulations: Each organization authorized under the provisions of Section 6.08 shall propose and adopt bylaws, rules and regulations for the management of its affairs which shall be consistent with the Bylaws of Keizer United and the same shall become effective when approved by the Board of Director of this corporation.

## ARTICLE 7 Employees

Section 7.01 Executive Director: The Board of Directors may employ an Executive Director who shall be the chief administrative officer and who shall perform such duties and have such authority and responsibility as may be delegated by contract or the Board of Directors.

Section 7.02 Other Employees: The Board shall establish the positions necessary to implement responsibilities assigned by the Board.

## ARTICLE 8 Finances and Contracts

Section 8.01 Finances: The Board of Directors shall annually approve a budget, raise the necessary funds to finance it work, ensure sound financial protection and shall have sole authority to appropriate money.

Section 8.02 Funds Deposit: All funds of the corporation not otherwise employed shall be deposited in such banks, trust companies or other reliable depositories as the Board of Directors may determine from time to time.

Section 8.03 Checks, Etc: All checks, drafts, endorsements, notes and evidences of indebtedness of the corporation and all endorsements for deposit to the credit of the corporation shall be signed such directors or agents of the corporations and in such manner as shall from time to time be determined by the Board of Directors.



Section 8.04 Loans and Contracts: No loans, advances or other contracts shall be entered into on behalf of the corporation and no note or other evidence of indebtedness shall be issued in its name, unless and except as authorized by the Board of Directors. Any such authorization to pledge, as security for loans or advances so authorized, assets of the corporation where such loan or contract is unauthorized by agreement with the funding source or creditor or by a previously approved budget of the corporation. The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by the Bylaws, to enter into any contract or execute and deliver any instrument in the same name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

Section 8.05 Bonding of Directors, Officers and Employees: The Secretary-Treasurer and such other directors or employees designated by the Board may be bonded in such amounts as are determined by the Board at the expense of the corporation.

Section 8.06 Accounting: A written account shall be submitted to the Board of Directors at the Annual Meeting of the Board and at such other times as required by the Board of Directors or its officers, setting forth all securities and other property purchased and sold, and all receipts, disbursements and other transactions of the funds since the last accounting, and showing the securities and other property held in the funds at the time of the accounting.

Section 8.07 Signature Authority: All checks, drafts or other orders for payment of money notes or other evidences of indebtedness issued in the name of the corporation payable to the corporation shall be signed or endorsed by such person or persons and in such manner as shall be determined by resolution of the Board of Directors.

## ARTICLE 9 Gifts

Section 9.01 Acceptance: The Board of Directors or its officers may accept on behalf of Keizer United any gift, grant, bequest, or devise for the general purposes or for any special purpose of Keizer United. The Board of Directors or its officers may authorize any officer, agent, or employee to accept on behalf of the corporation any gift, grant, bequest, or devise; and such authority may be general or confined to specific funds, accounts or purposes. The Board of Directors or its officers has the right to reject or refuse to accept any gift, grant, bequest, or devise whenever it is deemed not to be in the best interest of Keizer United.

Section 9.02 Irrevocable: Unless the terms expressly provide otherwise, all gifts, grants, bequest, and devises shall be deemed irrevocable.

Section 9.03 Conditions and Limitations: Any person who shall give, bequeath, or devise any property to Keizer United may make such gifts subject to such conditions and imitations as to the use of the principal or income as he/she may see fit and may specify such uses for the principal or the income as he/she may desire, provided such conditions, limitations, specification, and provisions are consistent with the general policies of Keizer United.

Section 9.04 Funds and Accounts: All such property received and accepted by Keizer United shall become a part of the corporation's property and subject to any limitations, conditions, or requirements, may be commingled with other assets of the corporations. However, such property shall or may be placed in any number of separate and distinct bequest, or devise

require a separate fund or account, or whenever the Board of Directors or its officers, in its judgement, determines that such property should be placed in a separate and distinct fund or account.

Section 9.05 Disbursement of Funds: Subject to the particular terms of any gift, grant, bequests, or devise, the Oregon Nonprofit Corporation Law, the Articles of Incorporation and these Bylaws and the control and directions of the Board of Directors or its officers the disbursement of the income or principal from any fund or account shall be made at such times, in such amounts as are deemed beneficial to Keizer United.

There shall be no restriction on distribution of principal, except when required by the Board of Directors or its officers.

Section 9.06 Trust Responsibilities: Keizer United is authorized to serve as Trustee of Trusts wholly or partially for the benefit of Keizer United, including charitable remainder trusts where Keizer United is remainder man or one of the remainder men. Keizer United may appoint one or more banks or other corporate fiduciaries authorized to carry on a investment, or trusteeship for and on behalf of the corporation.

## **ARTICLE 10**

### **Fiscal and Elective Year**

Section 10.01 Fiscal Year: The fiscal year shall be July 1-June 30.

Section 10.02 Elective Year: The elective year shall be from Annual Meeting to Annual Meeting

## **ARTICLE 11**

### **Parliamentary Authority**

Section 11.01 Robert's Rule of Order: The latest edition of Roberts Rules of Order shall be recognized as the authority governing all meeting when not in conflict with these Bylaws.

## **ARTICLE 12**

### **Amendments and Dissolution**

Section 12.01 Amendments: These Bylaws may be amended at any meeting of the Board of Directors, annual, regular and special, by affirmative vote of two-thirds of the directors present and voting provided that a quorum is present, further that written notice of the substance of any proposed amendments first shall have been sent to each director at least 10 days in advance of the meeting.

Section 12.02 Dissolutions: Upon the dissolution, liquidation, or termination of Keizer United, the assets of the organization,, with the exception of funds received through the Marion County Children and Families Commission which shall be returned to the county, shall be distributed to a fund, foundation or organization which is organized and operated exclusively for the purposes specified in section 501c3 of the Internal Revenue Service Code.

## **ARTICLE 13**

### **Miscellaneous**

Section 13.01 Books and Records: The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of meeting of the Board of Directors. All books, records and minutes may be inspected by active members of the corporation and directors without notice, during business hours.

Section 13.02 Annual Reports: An annual report, including financial statements reviewed by an independent Certified Public Accountant selected by the Board of Directors, shall be made and distributed to active members at the annual meeting of the corporation.

Section 13.03 Severability: Any determination that any provision of the Bylaws is for any reason inapplicable, invalid, illegal or otherwise ineffective shall not affect invalidate any other provision of these Bylaws.

Section 13.04 Indemnification: Keizer United shall indemnify every director, officer, employee, and agent for liability incurred by such person in the exercise of his or her duties with respect to Keizer United to the extent permitted by Oregon Nonprofit Corporations Law and shall provide at its own expense, adequate insurance to carry out this provision.

Section 13.05 Insurance: The Corporation shall be authorized to purchase and maintain in effect a policy or policies of insurance covering any liability of directors, officers, committee members, employees and agents of the corporation, regardless of whether the corporation would have the power to indemnify such person against the liability to insure.

Section 13.06 Liability: Officers and directors shall not be individually or personally liable for Keizer United debts or obligations.

Section 13.07 Conflict of Interest: Any Board member or employee of the corporation who has a monetary interest directly or indirectly in any contract or services relating to the operations conducted by the corporation or any contract furnishing services or supplies to the corporation shall declare a conflict of interest. A director with a conflict shall have a voice but no vote on matters for which he or she has declared a conflict of interest. Such contracts shall be specifically approved by the Board of Directors.

Section 13.08 Legal Counsel: The Board of Directors may retain legal and other professional counsel and fix the terms of compensation thereof.

COUNCIL MEETING: August 6, 2018

AGENDA ITEM NUMBER: \_\_\_\_\_

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**FROM: CHRIS EPPLEY  
CITY MANAGER**

**THROUGH: TRACY L. DAVIS, MMC  
CITY RECORDER/COMMUNITY CENTER MANAGER**

**SUBJECT: WAIVER OF COMMUNITY CENTER FEE - KEIZER CHAMBER OF  
COMMERCE FIRST CITIZENS ANNUAL BANQUET AND COMMUNITY  
CONVERSATIONS**

**BACKGROUND:**

The Keizer Chamber of Commerce is requesting a fee waiver for the annual Chamber First Citizens Banquet and for their Community Conversation events. The First Citizens Banquet is a ticketed event open to the public in which attendees must purchase a ticket for attending. The Keizer Community Conversation events are open to the public at no cost.

The rental rates for the Keizer Community Center include a 25% discount for Keizer Citizens or any Keizer Based 501(c)(3) organization. The Keizer Chamber of Commerce qualifies for this discount.

**Keizer Chamber of Commerce First Citizen Banquet**

The Iris Ballroom rental rate for the First Citizen Banquet would be a total of \$2,125 (plus refundable security/cleaning deposit of \$1,500) which is broken down as follows:

- Room Rental – \$1,500 (includes 25% discount and staffing costs)
- Event Staff – included in the rental rate, however if rental rate waived, event staff would cost the City \$400 (room set, event coverage, and clean/reset of room)
- Security - \$225 (for alcohol service)

**Options for Council Consideration for the Keizer Chamber of Commerce First Citizens Banquet:**

1. Grant the request for a complete rental fee waiver (room rental, security/cleaning deposit, event staff, and security).
2. Deny the request for a complete rental fee waiver (room rental, security/cleaning deposit, event staff, and security).
3. Waive the room rental fee and security/cleaning deposit but charge \$625 for the staffing and security costs. These are the out of pocket expenses the City would be required to pay.

### **Keizer Chamber of Commerce Community Conversations**

The rental rate for Iris Room A for each of the Community Conversation events would be a total of \$420 (plus refundable security/cleaning deposit of \$750) which is broken down as follows:

- Room Rental – \$300 per event (includes 25% discount and staffing)
- Security/Cleaning Deposit – \$750 (refundable)
- Event Staff - included in the rental rate, however if rental rate waived, event staff would cost the City \$120 (room set, event coverage, and clean/reset of room)

### **Options for Council Consideration for the Keizer Chamber of Commerce Community Conversations:**

1. Grant the request for a complete rental fee waiver (room rental, security/cleaning deposit, and event staff).
2. Deny the request for a complete rental fee waiver (room rental, security/cleaning deposit, and event staff).
3. Waive the room rental fee and security/cleaning deposit but charge \$120 for the staffing.
4. Waive all fees for the community conversation events but limit the number to 4 events for the current fiscal year.

### **RECOMMENDATION:**

Staff recommends the City Council discuss each event separately and consider the options presented and then direct staff accordingly.

**CITY COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: REQUEST FOR REVISION TO PARK MANAGEMENT AGREEMENT WITH KEIZER LITTLE LEAGUE**

Keizer Little League (KLL) and the City of Keizer entered into a Park Management Agreement effective November 1, 2016 for the management, operation and maintenance of Keizer Little League City Park. Pursuant to Section 4, field slot payments, net tournament income, net field-related sponsor income, and net concession income shall be used to offset all costs incurred for the maintenance of the park.

Keizer Little League requested a change so that fifty percent of the net concession income is used to offset the costs incurred for the maintenance of the park. In addition, Keizer Little League would like to remove net tournament income from the list. At the July 16, 2018 City Council meeting, Council directed staff to return with an amendment to the agreement that would split the net concession income 50/50 and to allow Keizer Little League to retain the net tournament revenue. Such amendment is attached to enclosed Resolution for your consideration.

**RECOMMENDATION:**

If the Council desires to amend the agreement, adopt the attached Resolution.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2018-\_\_\_\_

4  
5  
6 AUTHORIZING CITY MANAGER TO SIGN FIRST AMENDMENT  
7 TO PARK MANAGEMENT AGREEMENT WITH KEIZER LITTLE  
8 LEAGUE, INC.  
9

10  
11 WHEREAS, the City and Keizer Little League (KLL) entered into a park  
12 management agreement effective November 1, 2016;

13 WHEREAS, KLL requested an amendment to the agreement that would allow  
14 KLL to keep fifty percent of the net concession income to be used for the League instead  
15 of the maintenance of the park and to keep all of the net tournament income;

16 WHEREAS, the Council has accepted the proposal and desire to amend the  
17 agreement retroactively to January 1, 2017;

18 NOW, THEREFORE,

19 BE IT RESOLVED by the City Council of the City of Keizer that the City  
20 Manager is authorized to sign the First Amendment to Park Management Agreement  
21 with Keizer Little League, Inc., a copy of which is attached hereto and by this reference  
22 incorporated herein.  
23  
24  
25

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

3           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

4

5           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

6

7

8

9

\_\_\_\_\_  
Mayor

10

11

12

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



## FIRST AMENDMENT TO PARK MANAGEMENT AGREEMENT

PARTIES: CITY OF KEIZER, an Oregon  
municipal corporation (hereinafter "City")

KEIZER LITTLE LEAGUE, INC.,  
an Oregon non-profit corporation (hereinafter "Manager")

### RECITALS:

A. City and Manager entered into that certain Park Management Agreement for a term of three (3) years. The Agreement allowed two (2) successive one year extensions by the City.

B. Pursuant to Section 4, field slot payments, net tournament income, net field-related sponsor income, and net concession income shall be used to offset all costs incurred for the maintenance of the park.

C. Manager would like to revise Section 4 so that fifty percent of the net concession income is used to offset the costs incurred for the maintenance of the park and that net tournament income be retained by Manager.

D. City and Manager desire to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties do mutually agree as follows:

### AGREEMENT:

1. The second paragraph in Section 4 shall be deleted and replaced with the following:

Manager shall strive to generate sufficient revenue to offset all costs incurred for the maintenance of the park. Maintenance includes, but is not limited to, the lighting system, scoreboards, bleachers, fences, backstops, and all other baseball/softball specific improvements. Except as set forth below, all net revenue earned by Manager and generated directly from the use of the facilities shall only be used for field maintenance expenses and capital improvements. Such revenue shall include, but not be limited to field slot payments, net field-related sponsor income, and one-half of the net concession income. Manager may retain one-half of net concession income and all tournament revenue, however

the applicable field slot rates shall be paid for all tournament games and practices. No other use of such revenue shall be permitted.

2. This First Amendment is effective retroactively to January 1, 2017.

3. Except as specifically modified herein, all remaining terms, conditions, obligations and duties set forth in the Agreement shall remain in full force and effect.

CITY:

MANAGER:

CITY OF KEIZER

KEIZER LITTLE LEAGUE

By: \_\_\_\_\_  
Christopher C. Eppley,  
City Manager

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

DATED: \_\_\_\_\_

DATED: \_\_\_\_\_

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

DATED: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Keizer City Attorney

**CITY COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: MARIJUANA PERMIT PROCESS ORDINANCE**

The Council previously addressed medical marijuana facility and recreational retailer issues in two Ordinances. At its June 4, 2018 meeting, the Council directed staff to combine the two Ordinances into one permit process Ordinance and to remove the background check requirement, as well as the financial information requirement. A redlined version of the proposed Ordinance is enclosed for your consideration.

Council adopted Resolution No. R2014-2497 and Resolution No. R2016-2647 relating to medical marijuana facility permit application fees and marijuana retailer permit application fees. It is appropriate to repeal both of those Resolutions and adopt a new fee to correspond to the Ordinance that combines the permit processes.

The new Ordinance includes a provision for a late fee to be set by Council. Such late fee has been included in the enclosed Resolution for your consideration.

State law requires that all fees be adopted by the City Council and that public comment be accepted. There is no requirement for a formal public hearing, but the Mayor should ask if any party wants to provide comment.

**RECOMMENDATION:**

Allow for public comment and unless there are objections or questions, adopt the following:

1. Ordinance Adopting the Keizer Marijuana Retailer Permit Process.
2. Resolution Relating to Marijuana Retailer Permit Application Fee.

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

ESJ/tmh

A BILL

ORDINANCE NO.

201~~86~~-\_\_\_\_\_

FOR

AN ORDINANCE

ADOPTING THE KEIZER MARIJUANA RETAILER PERMIT  
PROCESS; REPEAL OF ORDINANCE NOS. 2014-702, 2014-704,  
2015-725, 2015-731, 2015-733, 2016-743, 2016-746, 2016-747, 2016-  
764, 2016-765, 2017-777, 2017-778, 2017-787, AND 2017-788

WHEREAS, Section 4 of the Keizer City Charter provides:

SECTION 4. POWERS OF THE CITY. The city shall have all  
powers which the constitutions, statutes, and common law of the  
United States and of this state expressly or impliedly grant or  
allow municipalities, as fully as though this charter specifically  
enumerated each of those powers;

WHEREAS, the above referenced grant of power has been interpreted as affording  
all legislative powers home rule, constitutional provisions reserved to Oregon Cities;

WHEREAS, the Oregon Legislature enacted House Bills ~~3400~~ in 2013 and 2015  
which requires state agencies~~the Oregon Liquor Control Commission~~ to develop and  
implement rules to carry out the intent and provisions of ~~sections 3 to 70, Chapter 1,~~  
Oregon Laws ~~2015~~ as necessary to protect the public health and safety;

WHEREAS, pursuant to state legislation the state agencies~~Oregon Liquor Control  
Commission~~ has developed rules and process to license ~~Recreational~~ Marijuana Retailers;

WHEREAS, under Oregon law, local governments may regulate the operation and  
location of certain types of businesses within their jurisdiction except when such action  
has been specifically and expressly preempted by state statute;

1           WHEREAS, the City Council of the City of Keizer desires to allow operation of  
2 Marijuana Retailers in the City in ways that protect and benefit the public health, safety  
3 and welfare of existing and future residents and businesses of the City;

4           WHEREAS, the Council finds that the unique characteristics of Marijuana Retailer  
5 operations and their potential impacts makes it necessary to establish particular time,  
6 place, and manner requirements for such operations and a separate permitting process for  
7 Marijuana Retailers;

8           NOW, THEREFORE, the City of Keizer ordains as follows:

9           Section 1.   Purpose. The purpose of this Ordinance is to minimize any adverse  
10 public safety and public health impacts that may result from allowing Marijuana  
11 Retailers in the City by adopting particular time, place and manner requirements and  
12 a permitting process for such Marijuana Retailers.

13           Section2.   Definitions.

14           A. “Manager” means the City Manager of the City of Keizer or his/her  
15 designee.

16           ~~B. “Cash Accounting” means a cash basis system of accounting in which the Operator~~  
17 ~~of an enterprise records revenue and expenses when they are paid, regardless of when~~  
18 ~~goods are received or delivered.~~

19           ~~C. “Company Principal” means a Person who is an officer or director of a legal entity~~  
20 ~~or has a controlling interest in the entity, through ownership or control of 10% or more~~

1 ~~of the stock in the entity or 10% or more of the total membership interest in the entity~~  
2 ~~or 10% or more of the total investment interest in the entity.~~

3 ~~D. "Controlled Substances" means substances designated as Schedule I or Schedule~~  
4 ~~H controlled substances in the Code of Federal Regulations Title 21, Chapter II, Part~~  
5 ~~1308.~~

6 ~~E. "Convicted" means found guilty by verdict or finding entered in a criminal~~  
7 ~~proceeding in a court of competent jurisdiction.~~

8 ~~F. "Debt Financing" means secured or unsecured loans to provide funds for use in~~  
9 ~~the Marijuana Retailer business, except for monies owed for the reasonable cost of~~  
10 ~~goods or services received.~~

11 ~~G. "Financial Interest" exists when a Person, the Person's immediate family, or a~~  
12 ~~legal entity to which the Person is a Company Principal (1) receives or is entitled to~~  
13 ~~receive directly or indirectly any of the profits of the Marijuana Retailer; (2) rents or~~  
14 ~~leases real property to the Operator for use by the business; (3) rents or leases personal~~  
15 ~~property to the Operator for a commercially unreasonable rate; or (4) lends or gives~~  
16 ~~money, real property, or personal property to the Operator for use in the business.~~

17 H.B. \_\_\_\_\_ "Marijuana" means the plant Cannabis family Cannabaceae, any part  
18 of the plant Cannabis family Cannabaceae and the seeds of the plant  
19 Cannabis family Cannabaceae. It does not include industrial hemp, as  
20 defined in ORS 571.300.

1 I.C. “Marijuana Retailer” means a ~~P~~erson who sells marijuana items to  
2 a consumer in this state and is licensed by the Oregon Liquor  
3 Control Commission and/or a Medical Marijuana Dispensary or Facility  
4 that is registered by the Oregon Health Authority under state law and that  
5 sells, distributes, transmits, gives, dispenses or otherwise provides Medical  
6 Marijuana to qualifying patients.

7 J.D. “Minor” means any Person under 21 years of age.

8 K.E. “Operator” means the Person who is the proprietor of a Marijuana  
9 Retailer, whether in the capacity of Company Principal, owner, lessee, sub-  
10 lessee, mortgagee in possession, licensee or any other capacity. If the  
11 Operator is a corporation, the term Operator also includes each and every  
12 member of the corporation’s Board of Directors whose directorship occurs  
13 in a period during which the Marijuana Retailer is in operation. If the  
14 Operator is a partnership or limited liability company, the term Operator  
15 also includes each and every member thereof whose membership occurs in  
16 a period during which the Marijuana Retailer is in operation.

17 L.F. “Person” means natural Person, joint venture, joint stock company,  
18 partnership, association, club, company, corporation, business, trust,  
19 organization, or any group or combination acting as a unit, including the  
20 United States of America, the State of Oregon and any political subdivision

thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

M.G. “Premises” means a location licensed by the State of Oregon as a Marijuana Retailer business and includes all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, restrooms, and storerooms. Premises does not include a primary residence.

N.H. “Public Property” means all City of Keizer parks, and any real property zoned Public, but does not include public right-of-way.

Section 3. Annual Permit Required. The Operator of any Marijuana Retailer in the City must possess a valid annual Marijuana Retailer permit issued under this Ordinance and must comply with the requirements of any and all state or local laws.

Section 4. Initial Permit Application and Fee Requirements.

A. Application forms for Marijuana Retailer permits will be available at the Keizer Community Development Department. Applications for initial and renewal Marijuana Retailer permits must be submitted to the Community Development Department and must be signed under penalty of perjury. The application documents must include at least the following:

- 1) The location of the proposed Marijuana Retailer.
- 2) The true names and addresses of the Persons or legal entities that have an ownership interest in the Marijuana Retailer; ~~that have~~



1                   ~~loaned or given money or real or personal property to the applicant~~  
2                   ~~for use by the Marijuana Retailer within the preceding 365 day~~  
3                   ~~period; or that have leased real property to the applicant for use by~~  
4                   ~~the Marijuana Retailer.~~

5                   3) A detailed description of the type, nature and extent of the enterprise  
6                   to be conducted.

7                   4) ~~A detailed description of the proposed accounting and inventory systems~~  
8                   ~~for the Marijuana Retailer.~~

9                   5)4) \_\_\_\_\_ Certification that the proposed Marijuana Retailer is licensed  
10                   ~~as a Marijuana Retailer by the Oregon Liquor Control Commission~~  
11                   or registered pursuant to state law.

12                   6)5) \_\_\_\_\_ Certification that the proposed Marijuana Retailer has met all  
13                   applicable requirements in the Keizer Development Code.

14                   7)6) \_\_\_\_\_ Certification that all current fees and taxes owed have been  
15                   paid.

16                   8)7) \_\_\_\_\_ Detailed illustrations (to scale) of all proposed signage and  
17                   location of such signage.

18                   9)8) \_\_\_\_\_ Such other information deemed necessary by the Manager ~~to~~  
19                   ~~conduct any investigation or background check (including the names~~  
20                   ~~and fingerprints) of the Operator(s), employees, handlers,~~

1 ~~volunteers, Persons with a Financial Interest, and Persons or entities~~  
2 ~~providing Debt Financing for the Marijuana Retailer.~~

3 B. At the time of submission of an initial Marijuana Retailer permit  
4 application, the applicant must pay a Marijuana Retailer permit application  
5 ~~and investigation~~ fee. The fee amount shall be set by Council Resolution.  
6 No portion of the Marijuana Retailer permit fee is refundable in the event  
7 operation of the Marijuana Retailer is discontinued for any reason.

8 C. A separate permit application must be submitted for each proposed  
9 Marijuana Retailer location.

10 D. For purposes of determining priority between two or more Marijuana  
11 Retailer locations and when a Retailer is established for purposes of Section  
12 6.H. and 6.I.D., the following shall apply:

13 1) An applicant may apply for a Keizer Marijuana Retailer Permit when  
14 they have received the required state license issued by the state  
15 ~~agency Oregon Liquor Control Commission (OLCC).~~

16 2) The Keizer application will be preliminarily reviewed for  
17 completeness at the Community Development counter. If it appears  
18 complete at that time, including, but not limited to submittal of a  
19 copy of ~~any state~~ the OLCC license, permit or reigistration and all  
20 other supporting material, the application will be accepted and have  
21 a date/time stamp placed on the application form. If the application

1 does not appear complete, it will not be accepted and will be returned  
2 to the applicant. Acceptance is not representation that the  
3 application is complete or that a permit will be granted.

4 3) If two or more applications are submitted that may preclude one or  
5 the other from being established based on location, priority will be  
6 given to the prior accepted application.

7 4) If an application is accepted, but it is later determined that it is  
8 missing information or is otherwise insufficient, the Community  
9 Development Department shall give written notice to the applicant  
10 of such missing information or insufficiencies. If an applicant  
11 supplies the missing information or is otherwise able to correct the  
12 application within fourteen (14) days of written notice by the  
13 Community Development Department, such application shall retain  
14 its priority based on the date/time stamp, subject to the provisions  
15 set forth below.

16 5) If an applicant does not provide the missing information or otherwise  
17 is unable to correct such application within such fourteen (14) day  
18 period, the application shall be denied. If an application is denied  
19 for this or any other reason, such application will lose whatever  
20 date/time priority it may have held.

1                   6) If a Marijuana Retailer receives a Keizer Marijuana Retailer permit,  
2                   the priority for that Retailer shall be the date/time stamped on the  
3                   application form for as long as such permit is not expired or revoked.

4           Section 5.   Permit Termination – Renewal – Fee.

5           A. A Marijuana Retailer permit terminates automatically one year from the  
6           date of issuance, unless a permit renewal application is approved.

7           B. A Marijuana Retailer permit terminates automatically if federal or state  
8           statutes, regulations or guidelines are modified, changed, or interpreted in  
9           such a way by state or federal law enforcement officials as to prohibit  
10          operation of the Marijuana Retailer under this Ordinance.

11          C. A permit renewal application shall include information similar in nature to  
12          that provided on the permittee's initial permit application and must be  
13          submitted to the Community Development Department no less than thirty  
14          (30) days prior to expiration of the permit. Late applications shall be subject  
15          to a late fee. The late fee shall be set by Council Resolution.

16          D. At the time of submission of a Marijuana Retailer permit renewal  
17          application, the permittee must pay a Marijuana Retailer permit renewal  
18          application ~~and investigation~~ fee. The fees shall be set by Council  
19          Resolution.

20          Section 6.   Permit Conditions. Any Marijuana Retailer must comply with the  
21          following requirements, in addition to any other state or local requirements:

- 1 A. The Marijuana Retailer must continue to be licensed or registered in good  
2 standing ~~with the Oregon Liquor Control Commission~~ pursuant to state law.
- 3 B. The Marijuana Retailer must meet applicable laws and regulations,  
4 including, but not limited to, state marijuana laws and regulations, building  
5 and fire codes, and including the payment of all fines, fees, and taxes owing  
6 to the City.
- 7 C. The Marijuana Retailer must not manufacture or produce any extracts, oils,  
8 resins or similar derivatives of Marijuana on-site and must not use open  
9 flames or gases in the preparation of any products.
- 10 D. Marijuana and tobacco products must not be smoked, ingested or otherwise  
11 consumed on the Premises of the Marijuana Retailer.
- 12 E. Operating hours for retail sales to consumers must be no earlier than 7:00  
13 a.m. or later than 10:00 p.m. on the same day.
- 14 F. The Marijuana Retailer must utilize an air filtration and ventilation system  
15 which, to the greatest extent feasible, confines all objectionable odors  
16 associated with the Marijuana Retailer to the Premises. For the purposes of  
17 this provision, the standard for judging “objectionable odors” shall be that  
18 of an average, reasonable Person with ordinary sensibilities after taking into  
19 consideration the character of the neighborhood in which the odor is made  
20 and the odor is detected.

1 G. The Marijuana Retailer must provide for secure disposal of Marijuana  
2 remnants or by-products in accordance with state law; ~~such remnants or by-~~  
3 ~~products shall not be placed within the Marijuana Retailer's exterior refuse~~  
4 ~~containers.~~

5 H. The Marijuana Retailer must not be co-located on the same tax lot or within  
6 the same building with any Marijuana social club, smoking club, grow site,  
7 another Medical—Marijuana Retailer Facility, Marijuana Processor,  
8 Marijuana Producer, or Marijuana Wholesaler.

9 I. A Marijuana Retailer shall not be located:

10 A) Within 1500 feet from any public elementary or secondary school  
11 for which attendance is compulsory under ORS 339.020;

12 B) Within 1500 feet from any private or parochial elementary or  
13 secondary school, teaching children as described in ORS  
14 339.030(1)(a); or

15 C) Within 1000 feet of any Public Property; ~~not including right-of-way~~;

16 D) Within 1000 feet of another Marijuana Retailer ~~or Medical~~  
17 ~~Marijuana Facility~~.

18 Such distances shall be measured between the closest points of the  
19 respective lot lines.

20 J. Signage shall not include logos or illustrations, ~~and shall emphasize~~  
21 ~~identification of the Premises without drawing undue attention.~~

1 K. No Minor is allowed on the Premises, except as may be allowed under state  
2 law.

3 ~~L. A Person with any felony convictions or a conviction of any drug related~~  
4 ~~misdemeanor (including, but not limited to those under ORS 475), except for a~~  
5 ~~conviction for the possession, manufacture or delivery of marijuana if the date of the~~  
6 ~~conviction is two or more years before the date of the application or renewal, may not~~  
7 ~~(1) be an Operator, Company Principal, employee, handler, or volunteer of a~~  
8 ~~Marijuana Retailer; or (2) have a Financial Interest in the Marijuana Retailer.~~

9 ~~M. The Marijuana Retailer must have an accounting system specifically designed for~~  
10 ~~enterprises reliant on transactions conducted primarily in cash and sufficient to~~  
11 ~~maintain detailed, auditable financial records. If the Manager finds the books and~~  
12 ~~records of the Operator are deficient in any way or if the Operator's accounting system~~  
13 ~~is not auditable, the Operator must modify the Marijuana Retailer's accounting system~~  
14 ~~to meet the requirements of the Manager.~~

15 ~~N. Each Marijuana Retailer Operator must keep and preserve for a period of at least~~  
16 ~~three (3) years records containing at least the following information:~~

- 17 ~~1) Daily wholesale purchases (including grow receipts) and retail sales,~~  
18 ~~including a cash receipts and expenses journal;~~  
19 ~~2) State and federal income tax returns;~~  
20 ~~3) Names and any aliases of any Operator of the Marijuana Retailer, as that~~  
21 ~~term is defined in Section 2 of this Ordinance;~~

- 1 4) ~~Names and any aliases of employees/\_handlers/volunteers of the Marijuana~~  
2 ~~Retailer;~~  
3 5) ~~Names of and any aliases of Persons with a Financial Interest in the~~  
4 ~~Marijuana Retailer; and~~  
5 6) ~~The Manager may require additional information as he or she deems~~  
6 ~~necessary.~~

7 ~~O.L.~~ Each Marijuana Retailer must display its current permit inside the  
8 Premises in a prominent place easily visible to Persons conducting business  
9 in the Marijuana Retailer business. All marijuana workers must have a  
10 valid state card and present it upon request to a Keizer Police officer or  
11 Code Compliance officer.

12 ~~P.M.~~ Viewing, sSales or any other transfers of Marijuana products  
13 (including wholesale viewing and sales) must occur completely inside the  
14 Marijuana Retailer building and must be conducted only between the  
15 Marijuana Retailer and Consumer or between the Marijuana Retailer and a  
16 state-approved wholesaler/producer. No walk-up or drive-through service  
17 is allowed. A Marijuana Retailer may only sell ~~medical~~-marijuana to  
18 Persons in the types, amounts and manner pursuant to state law and ~~Oregon~~  
19 ~~Liquor Control Commission~~ regulations. Such sales/transfers must occur  
20 completely inside the Marijuana Retailer building.



1            Q.N. The Marijuana Retailer shall not place, allow, or use any type of  
2            device or apparatus designed to injure, maim, or kill by the contact of any  
3            person with any string, wire, rod, stick, spring, or other contrive affixed to  
4            it or connected with it or with its trigger, including, but not limited to, any  
5            spring gun or set gun as prohibited under state law.

6            Section 7.    Background Checks. ~~The Community Development Department~~  
7            ~~will send to the Keizer Police Department the information provided on each initial or~~  
8            ~~renewal Marijuana Retailer permit application pursuant to Section 4(A)(2). The~~  
9            ~~Police Department will conduct criminal background checks under OAR 257-010-~~  
10           ~~0025 to determine whether any Person therein (including, but not limited to, an~~  
11           ~~Operator, Person with Financial Interest, Company Principal, employee, handler, or~~  
12           ~~volunteer) has any history of any convictions noted in Section 6(L) and inform the~~  
13           ~~Community Development Department whether or not all the Persons named in the~~  
14           ~~permit application passed the required background checks. If, following an initial~~  
15           ~~application or renewal, an additional person is proposed to be an Operator, Person~~  
16           ~~with Financial Interest, Company Principal, employee, handler, or volunteer, then~~  
17           ~~such person must pass the background check prior to assuming such position. If, at~~  
18           ~~any time, the Marijuana Retailer submits an application to the City for conversion~~  
19           ~~from a Facility or conversion to a Facility, the Operator, Person with Financial~~  
20           ~~Interest, Company Principal, employee, handler, or volunteer that has already~~  
21           ~~successfully passed a background check will not be required to submit another request~~

1 ~~for a background check until the first annual renewal of the Permit granted following~~  
2 ~~conversion and each annual renewal thereafter.~~

3 Section 8. Examination of ~~Books, Records and~~ Premises.

- 4 A. To determine compliance with the requirements of this Ordinance, Keizer  
5 Development Code, and any and all applicable regulations, the Manager  
6 may examine or cause to be examined by an agent or representative  
7 designated by the Manager, at any reasonable time, the Premises of the  
8 Marijuana Retailer, including wastewater from the Premise, ~~and any and all~~  
9 ~~Marijuana Retailer financial, operational and information, including books,~~  
10 ~~papers, payroll reports and state and federal income tax returns.~~ Every  
11 permittee is directed and required to furnish to the Manager the means,  
12 Premises and opportunity for making such examinations and investigations.
- 13 B. As part of investigation of a crime or violation of this Ordinance which law  
14 enforcement officials reasonably suspect has taken place, the Keizer Police  
15 shall be allowed to view surveillance videotapes or digital recordings at any  
16 reasonable time.
- 17 C. Without reducing or waiving any provisions of this Ordinance, the Keizer  
18 Police Department and/or Code Compliance Officer shall have the same  
19 access to the Marijuana Retailer, its records and its operations, as allowed  
20 to state inspectors. Denial or interference with access shall be grounds for  
21 revocation or suspension of a Marijuana Retailer Permit.

1           Section 9.   Administrative and Other Remedies for Noncompliance,  
2           Administrative Appeals, and Penalties.

3           A. The Manager may deny, suspend, or revoke a Marijuana Retailer permit for  
4           failure to comply with this Ordinance or rules adopted under this  
5           Ordinance, for submitting falsified information to the City or a state  
6           agency~~the Oregon Liquor Control Commission~~, or for noncompliance with  
7           any other City Ordinances or regulations, or violation of any state laws.

8                   1) Any suspension or revocation pursuant to this section shall be in  
9                   writing, setting forth the reasons therefor, and giving the permittee  
10                  written notice by first-class United States Mail at least ten (10)  
11                  calendar days prior to effective date of the revocation or suspension.

12                  2) A decision to deny, suspend, or revoke a Marijuana Retailer permit  
13                  may be appealed by filing a Notice of Appeal in writing physically  
14                  delivered to the Manager on or before the effective date. Unless  
15                  Manager has declared imminent danger to the public will exist, the  
16                  Manager's decision to revoke or suspend is stayed pending appeal.  
17                  The matter shall be heard by the Keizer Hearings Officer who shall  
18                  determine, by preponderance of the evidence, whether the  
19                  Manager's decision should be upheld or reversed, or upheld in part  
20                  and reversed in part. The hearing shall be conducted no later than  
21                  twenty (20) days from the date of appeal, unless a different date is

1 stipulated by the City and the applicant, or good cause is shown for  
2 setting the matter forward. Testimony at the hearing shall be taken  
3 upon oath or affirmation of the witnesses. The Hearings Officer  
4 shall consider only the matters set forth in the Notice of Appeal. The  
5 Findings and Decision of the Hearings Officer shall be served upon  
6 the appellant by first class mail within ten (10) days after the hearing  
7 concludes. The Hearings Officer decision shall be effective ten (10)  
8 days following the date of the decision. The Findings and Decision  
9 of the Hearings Officer shall be final and conclusive, subject only to  
10 writ of review under ORS 34.010 to 34.100, which shall be the sole  
11 remedy.

12 B. In addition to the remedies of suspension and revocation, failure to comply  
13 with ~~any~~the requirements of this Ordinance constitutes an infraction under  
14 the Civil Infraction Ordinance. Violations are subject to fines not to exceed  
15 \$500.00 per day. Each day in violation constitutes a separate offense. Any  
16 Person, including Company Principals, Operators, employees, handlers,  
17 and volunteers are jointly and severably liable for such offenses.

18 C. The remedies provided in this Section are not exclusive and shall not  
19 prevent the City from exercising any other remedy available under the law,  
20 nor shall the provisions of this Ordinance prohibit or restrict any prosecutor  
21 from pursuing criminal charges under state law. Such remedies include,

1 but are not limited to, any equitable remedies such as temporary restraining  
2 orders or other injunctive relief.

3 Section 10. Confidentiality. Except as otherwise required by law, it shall be  
4 unlawful for the City, any officer, employee or agent to divulge, release or make  
5 known in any manner any ~~financial or~~ employee information submitted or disclosed  
6 to the City under the terms of this Ordinance. Nothing in this Section shall prohibit:

7 ~~A. The disclosure of the names and addresses of any Operator or provider of equity~~  
8 ~~or Debt Financing for a Marijuana Retailer; or~~

9 ~~B. The disclosure of general statistics in a form which would prevent identification~~  
10 ~~of financial information regarding a Marijuana Retailer Operator; or~~

11 C.A. The presentation of evidence to a court, or other tribunal having  
12 jurisdiction in the prosecution of any criminal or civil claim by the City  
13 under this Ordinance; or

14 D.B. The disclosure of information when such disclosure of conditionally  
15 exempt information is ordered under public records law procedures.

16 Section 11. Severability. If any section, subsection, paragraph, sentence or word  
17 in this Ordinance is deemed to be invalid or beyond the authority of the City, either on its  
18 face or is applied, the invalidity of such provision shall not affect the other sections,  
19 subsections, paragraphs, sentences, or words of this Ordinance, and the application  
20 thereof; and to that end sections, subsections, paragraphs, sentences and words of this  
21 Ordinance shall be deemed severable.

1        Section 12. Repeal of Ordinance Nos. 2014-702, 2014-704, 2015-725, 2015-731,  
2        2015-733, 2016-743, 2016-746, 2016-747, 2016-764, 2016-765, 2017-777, 2017-778,  
3        2017-787, and 2017-788. Ordinance Nos. 2014-702, 2014-704, 2015-725, 2015-731,  
4        2015-733, 2016-743, 2016-746, 2016-747, 2016-764, 2017-765, 2017-777, 2017-778,  
5        2017-878, and 2017-788 are hereby repealed in their entirety.

6        Section 1~~32~~. Effective Date. This Ordinance shall take effect thirty (30) days after  
7        its passage.

8        PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 201~~86~~.

9

10       SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 201~~86~~.

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Mayor

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City Recorder

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A BILL  
ORDINANCE NO.  
2018-\_\_\_\_\_  
FOR  
AN ORDINANCE

ADOPTING THE KEIZER MARIJUANA RETAILER PERMIT  
PROCESS; **REPEAL OF ORDINANCE NOS. 2014-702, 2014-704,  
2015-725, 2015-731, 2015-733, 2016-743, 2016-746, 2016-747, 2016-  
764, 2016-765, 2017-777, 2017-778, 2017-787, AND 2017-788**

WHEREAS, Section 4 of the Keizer City Charter provides:

SECTION 4. POWERS OF THE CITY. The city shall have all  
powers which the constitutions, statutes, and common law of the  
United States and of this state expressly or impliedly grant or  
allow municipalities, as fully as though this charter specifically  
enumerated each of those powers;

WHEREAS, the above referenced grant of power has been interpreted as affording  
all legislative powers home rule, constitutional provisions reserved to Oregon Cities;

WHEREAS, the Oregon Legislature enacted House Bills in 2013 and 2015 which  
requires state agencies to develop and implement rules to carry out the intent and  
provisions of Oregon Laws as necessary to protect the public health and safety;

WHEREAS, pursuant to state legislation the state agencies has developed rules  
and process to license Marijuana Retailers;

WHEREAS, under Oregon law, local governments may regulate the operation and  
location of certain types of businesses within their jurisdiction except when such action  
has been specifically and expressly preempted by state statute;

1           WHEREAS, the City Council of the City of Keizer desires to allow operation of  
2   Marijuana Retailers in the City in ways that protect and benefit the public health, safety  
3   and welfare of existing and future residents and businesses of the City;

4           WHEREAS, the Council finds that the unique characteristics of Marijuana Retailer  
5   operations and their potential impacts makes it necessary to establish particular time,  
6   place, and manner requirements for such operations and a separate permitting process for  
7   Marijuana Retailers;

8           NOW, THEREFORE, the City of Keizer ordains as follows:

9           Section 1.   Purpose. The purpose of this Ordinance is to minimize any adverse  
10   public safety and public health impacts that may result from allowing Marijuana  
11   Retailers in the City by adopting particular time, place and manner requirements and  
12   a permitting process for such Marijuana Retailers.

13          Section2.   Definitions.

14           A. “Manager” means the City Manager of the City of Keizer or his/her  
15           designee.

16           B. “Marijuana” means the plant Cannabis family Cannabaceae, any part of the  
17           plant Cannabis family Cannabaceae and the seeds of the plant Cannabis  
18           family Cannabaceae. It does not include industrial hemp, as defined in ORS  
19           571.300.

20           C. “Marijuana Retailer” means a Person who sells marijuana items to a  
21           consumer in this state and is licensed by the Oregon Liquor



1 Control Commission and/or a Medical Marijuana Dispensary or Facility  
2 that is registered by the Oregon Health Authority under state law and that  
3 sells, distributes, transmits, gives, dispenses or otherwise provides Medical  
4 Marijuana to qualifying patients.

5 D. “Minor” means any Person under 21 years of age.

6 E. “Operator” means the Person who is the proprietor of a Marijuana Retailer,  
7 whether in the capacity of Company Principal, owner, lessee, sub-lessee,  
8 mortgagee in possession, licensee or any other capacity. If the Operator is  
9 a corporation, the term Operator also includes each and every member of  
10 the corporation’s Board of Directors whose directorship occurs in a period  
11 during which the Marijuana Retailer is in operation. If the Operator is a  
12 partnership or limited liability company, the term Operator also includes  
13 each and every member thereof whose membership occurs in a period  
14 during which the Marijuana Retailer is in operation.

15 F. “Person” means natural Person, joint venture, joint stock company,  
16 partnership, association, club, company, corporation, business, trust,  
17 organization, or any group or combination acting as a unit, including the  
18 United States of America, the State of Oregon and any political subdivision  
19 thereof, or the manager, lessee, agent, servant, officer or employee of any  
20 of them.

1 G. "Premises" means a location licensed by the State of Oregon as a Marijuana  
2 Retailer business and includes all public and private enclosed areas at the  
3 location that are used in the business operated at the location, including  
4 offices, kitchens, restrooms, and storerooms. Premises does not include a  
5 primary residence.

6 H. "Public Property" means all City of Keizer parks, and any real property  
7 zoned Public, but does not include public right-of-way.

8 Section 3. Annual Permit Required. The Operator of any Marijuana Retailer in  
9 the City must possess a valid annual Marijuana Retailer permit issued under this  
10 Ordinance and must comply with the requirements of any and all state or local laws.

11 Section 4. Initial Permit Application and Fee Requirements.

12 A. Application forms for Marijuana Retailer permits will be available at the  
13 Keizer Community Development Department. Applications for initial and  
14 renewal Marijuana Retailer permits must be submitted to the Community  
15 Development Department and must be signed under penalty of perjury. The  
16 application documents must include at least the following:

- 17 1) The location of the proposed Marijuana Retailer.  
18 2) The true names and addresses of the Persons or legal entities that  
19 have an ownership interest in the Marijuana Retailer.  
20 3) A detailed description of the type, nature and extent of the enterprise  
21 to be conducted.

- 4) Certification that the proposed Marijuana Retailer is licensed or registered pursuant to state law.
- 5) Certification that the proposed Marijuana Retailer has met all applicable requirements in the Keizer Development Code.
- 6) Certification that all current fees and taxes owed have been paid.
- 7) Detailed illustrations (to scale) of all proposed signage and location of such signage.
- 8) Such other information deemed necessary by the Manager.

B. At the time of submission of an initial Marijuana Retailer permit application, the applicant must pay a Marijuana Retailer permit application fee. The fee amount shall be set by Council Resolution. No portion of the Marijuana Retailer permit fee is refundable in the event operation of the Marijuana Retailer is discontinued for any reason.

C. A separate permit application must be submitted for each proposed Marijuana Retailer location.

D. For purposes of determining priority between two or more Marijuana Retailer locations and when a Retailer is established for purposes of Section 6.H. and 6.I.D., the following shall apply:

- 1) An applicant may apply for a Keizer Marijuana Retailer Permit when they have received the required state license issued by the state agency.
- 2) The Keizer application will be preliminarily reviewed for completeness at the Community Development counter. If it appears complete at that time, including, but not limited to submittal of a copy of any state license, permit or registration and all other supporting material, the application will be accepted and have a date/time stamp placed on the application form. If the application does not appear complete, it will not be accepted and will be returned to the applicant. Acceptance is not representation that the application is complete or that a permit will be granted.
- 3) If two or more applications are submitted that may preclude one or the other from being established based on location, priority will be given to the prior accepted application.
- 4) If an application is accepted, but it is later determined that it is missing information or is otherwise insufficient, the Community Development Department shall give written notice to the applicant of such missing information or insufficiencies. If an applicant supplies the missing information or is otherwise able to correct the application within fourteen (14) days of written notice by the

Community Development Department, such application shall retain its priority based on the date/time stamp, subject to the provisions set forth below.

5) If an applicant does not provide the missing information or otherwise is unable to correct such application within such fourteen (14) day period, the application shall be denied. If an application is denied for this or any other reason, such application will lose whatever date/time priority it may have held.

6) If a Marijuana Retailer receives a Keizer Marijuana Retailer permit, the priority for that Retailer shall be the date/time stamped on the application form for as long as such permit is not expired or revoked.

Section 5. Permit Termination – Renewal – Fee.

A. A Marijuana Retailer permit terminates automatically one year from the date of issuance, unless a permit renewal application is approved.

B. A Marijuana Retailer permit terminates automatically if federal or state statutes, regulations or guidelines are modified, changed, or interpreted in such a way by state or federal law enforcement officials as to prohibit operation of the Marijuana Retailer under this Ordinance.

C. A permit renewal application shall include information similar in nature to that provided on the permittee's initial permit application and must be submitted to the Community Development Department no less than thirty

1 (30) days prior to expiration of the permit. Late applications shall be subject  
2 to a late fee. The late fee shall be set by Council Resolution.

3 D. At the time of submission of a Marijuana Retailer permit renewal  
4 application, the permittee must pay a Marijuana Retailer permit renewal  
5 application fee. The fees shall be set by Council Resolution.

6 Section 6. Permit Conditions. Any Marijuana Retailer must comply with the  
7 following requirements, in addition to any other state or local requirements:

8 A. The Marijuana Retailer must continue to be licensed or registered in good  
9 standing pursuant to state law.

10 B. The Marijuana Retailer must meet applicable laws and regulations,  
11 including, but not limited to, state marijuana laws and regulations, building  
12 and fire codes, and including the payment of all fines, fees, and taxes owing  
13 to the City.

14 C. The Marijuana Retailer must not manufacture or produce any extracts, oils,  
15 resins or similar derivatives of Marijuana on-site and must not use open  
16 flames or gases in the preparation of any products.

17 D. Marijuana and tobacco products must not be smoked, ingested or otherwise  
18 consumed on the Premises of the Marijuana Retailer.

19 E. Operating hours for retail sales to consumers must be no earlier than 7:00  
20 a.m. or later than 10:00 p.m. on the same day.

1 F. The Marijuana Retailer must utilize an air filtration and ventilation system  
2 which, to the greatest extent feasible, confines all objectionable odors  
3 associated with the Marijuana Retailer to the Premises. For the purposes of  
4 this provision, the standard for judging “objectionable odors” shall be that  
5 of an average, reasonable Person with ordinary sensibilities after taking into  
6 consideration the character of the neighborhood in which the odor is made  
7 and the odor is detected.

8 G. The Marijuana Retailer must provide for secure disposal of Marijuana  
9 remnants or by-products in accordance with state law.

10 H. The Marijuana Retailer must not be co-located on the same tax lot or within  
11 the same building with any Marijuana social club, smoking club, grow site,  
12 another Marijuana Retailer, Marijuana Processor, Marijuana Producer, or  
13 Marijuana Wholesaler.

14 I. A Marijuana Retailer shall not be located:

15 A) Within 1500 feet from any public elementary or secondary school  
16 for which attendance is compulsory under ORS 339.020;

17 B) Within 1500 feet from any private or parochial elementary or  
18 secondary school, teaching children as described in ORS  
19 339.030(1)(a); or

20 C) Within 1000 feet of any Public Property;

21 D) Within 1000 feet of another Marijuana Retailer.

Such distances shall be measured between the closest points of the respective lot lines.

J. Signage shall not include logos or illustrations.

K. No Minor is allowed on the Premises, except as may be allowed under state law.

L. Each Marijuana Retailer must display its current permit inside the Premises in a prominent place easily visible to Persons conducting business in the Marijuana Retailer business. All marijuana workers must have a valid state card and present it upon request to a Keizer Police officer or Code Compliance officer.

M. Viewing, sales or any other transfers of Marijuana products (including wholesale viewing and sales) must occur completely inside the Marijuana Retailer building and must be conducted only between the Marijuana Retailer and Consumer or between the Marijuana Retailer and a state-approved wholesaler/producer. No walk-up or drive-through service is allowed. A Marijuana Retailer may only sell marijuana to Persons in the types, amounts and manner pursuant to state law and regulations. Such sales/transfers must occur completely inside the Marijuana Retailer building.

N. The Marijuana Retailer shall not place, allow, or use any type of device or apparatus designed to injure, maim, or kill by the contact of any person with



1 any string, wire, rod, stick, spring, or other contrive affixed to it or  
2 connected with it or with its trigger, including, but not limited to, any spring  
3 gun or set gun as prohibited under state law.

4 Section 7. Examination of Premises.

5 A. To determine compliance with the requirements of this Ordinance, Keizer  
6 Development Code, and any and all applicable regulations, the Manager  
7 may examine or cause to be examined by an agent or representative  
8 designated by the Manager, at any reasonable time, the Premises of the  
9 Marijuana Retailer, including wastewater from the Premise. Every  
10 permittee is directed and required to furnish to the Manager the means,  
11 Premises and opportunity for making such examinations and investigations.

12 B. As part of investigation of a crime or violation of this Ordinance which law  
13 enforcement officials reasonably suspect has taken place, the Keizer Police  
14 shall be allowed to view surveillance videotapes or digital recordings at any  
15 reasonable time.

16 C. Without reducing or waiving any provisions of this Ordinance, the Keizer  
17 Police Department and/or Code Compliance Officer shall have the same  
18 access to the Marijuana Retailer, its records and its operations, as allowed  
19 to state inspectors. Denial or interference with access shall be grounds for  
20 revocation or suspension of a Marijuana Retailer Permit.

1           Section 8.   Administrative and Other Remedies for Noncompliance,  
2           Administrative Appeals, and Penalties.

3           A. The Manager may deny, suspend, or revoke a Marijuana Retailer permit for  
4           failure to comply with this Ordinance or rules adopted under this  
5           Ordinance, for submitting falsified information to the City or a state agency,  
6           or for noncompliance with any other City Ordinances or regulations, or  
7           violation of any state laws.

- 8                   1) Any suspension or revocation pursuant to this section shall be in  
9                   writing, setting forth the reasons therefor, and giving the permittee  
10                  written notice by first-class United States Mail at least ten (10)  
11                  calendar days prior to effective date of the revocation or suspension.
- 12                  2) A decision to deny, suspend, or revoke a Marijuana Retailer permit  
13                  may be appealed by filing a Notice of Appeal in writing physically  
14                  delivered to the Manager on or before the effective date. Unless  
15                  Manager has declared imminent danger to the public will exist, the  
16                  Manager's decision to revoke or suspend is stayed pending appeal.  
17                  The matter shall be heard by the Keizer Hearings Officer who shall  
18                  determine, by preponderance of the evidence, whether the  
19                  Manager's decision should be upheld or reversed, or upheld in part  
20                  and reversed in part. The hearing shall be conducted no later than  
21                  twenty (20) days from the date of appeal, unless a different date is

1 stipulated by the City and the applicant, or good cause is shown for  
2 setting the matter forward. Testimony at the hearing shall be taken  
3 upon oath or affirmation of the witnesses. The Hearings Officer  
4 shall consider only the matters set forth in the Notice of Appeal. The  
5 Findings and Decision of the Hearings Officer shall be served upon  
6 the appellant by first class mail within ten (10) days after the hearing  
7 concludes. The Hearings Officer decision shall be effective ten (10)  
8 days following the date of the decision. The Findings and Decision  
9 of the Hearings Officer shall be final and conclusive, subject only to  
10 writ of review under ORS 34.010 to 34.100, which shall be the sole  
11 remedy.

12 B. In addition to the remedies of suspension and revocation, failure to comply  
13 with any requirements of this Ordinance constitutes an infraction under the  
14 Civil Infraction Ordinance. Violations are subject to fines not to exceed  
15 \$500.00 per day. Each day in violation constitutes a separate offense. Any  
16 Person, including employees, handlers, and volunteers are jointly and  
17 severably liable for such offenses.

18 C. The remedies provided in this Section are not exclusive and shall not  
19 prevent the City from exercising any other remedy available under the law,  
20 nor shall the provisions of this Ordinance prohibit or restrict any prosecutor  
21 from pursuing criminal charges under state law. Such remedies include,

1 but are not limited to, any equitable remedies such as temporary restraining  
2 orders or other injunctive relief.

3 Section 9. Confidentiality. Except as otherwise required by law, it shall be  
4 unlawful for the City, any officer, employee or agent to divulge, release or make  
5 known in any manner any employee information submitted or disclosed to the City  
6 under the terms of this Ordinance. Nothing in this Section shall prohibit:

7 A. The presentation of evidence to a court, or other tribunal having jurisdiction  
8 in the prosecution of any criminal or civil claim by the City under this  
9 Ordinance; or

10 B. The disclosure of information when such disclosure of conditionally  
11 exempt information is ordered under public records law procedures.

12 Section 10. Severability. If any section, subsection, paragraph, sentence or word  
13 in this Ordinance is deemed to be invalid or beyond the authority of the City, either on its  
14 face or is applied, the invalidity of such provision shall not affect the other sections,  
15 subsections, paragraphs, sentences, or words of this Ordinance, and the application  
16 thereof; and to that end sections, subsections, paragraphs, sentences and words of this  
17 Ordinance shall be deemed severable.

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1           Section 11. Repeal of Ordinance Nos. 2014-702, 2014-704, 2015-725, 2015-731,  
2           2015-733, 2016-743, 2016-746, 2016-747, 2016-764, 2016-765, 2017-777, 2017-778,  
3           2017-787, and 2017-788. Ordinance Nos. 2014-702, 2014-704, 2015-725, 2015-731,  
4           2015-733, 2016-743, 2016-746, 2016-747, 2016-764, 2017-765, 2017-777, 2017-778,  
5           2017-878, and 2017-788 are hereby repealed in their entirety.

6           Section 12. Effective Date. This Ordinance shall take effect thirty (30) days after  
7           its passage.

8           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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10          SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Mayor

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City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2018-\_\_\_\_\_

4  
5 RELATING TO MARIJUANA RETAILER PERMIT  
6 APPLICATION FEE; **REPEAL OF RESOLUTION NO.**  
7 **R2014-2497 AND RESOLUTION NO. R2016-2647**  
8

9 WHEREAS, the City Council of the City of Keizer adopted medical marijuana  
10 facility permit application fees by Resolution R2014-2497;

11 WHEREAS, the City Council of the City of Keizer adopted marijuana retailer  
12 permit application fees by Resolution R2016-2647;

13 WHEREAS, the City Council of the City of Keizer desires to combine the  
14 regulations for medical marijuana facilities and marijuana retailers and wishes to  
15 combine the application fees to stay consistent;

16 WHEREAS, the City Council of the City of Keizer desires to impose a late fee  
17 for late applications;

18 NOW, THEREFORE,

19 BE IT RESOLVED by the City Council of the City of Keizer that the marijuana  
20 retailer permit application fee is as follows:

21 A non-refundable application fee of \$500 and a refundable \$1,500  
22 registration fee.  
23  
24  
25

1 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that  
2 the annual marijuana retailer permit renewal application fee is as follows:

3 A non-refundable application renewal fee of \$500 and a  
4 refundable \$1,500 registration fee.

5 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that  
6 a permit renewal application that is received less than thirty (30) days prior to the  
7 expiration of the annual permit will have a late fee of \$250 imposed.

8 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that  
9 the registration fee must be refunded to the applicant if an application is returned to  
10 the applicant as incomplete, if the City denies an application, or if an applicant  
11 withdraws an application. The registration fee will not be refunded to the applicant if  
12 the City suspends or revokes a permit for noncompliance with any City Ordinance or  
13 regulations, or violations of any state laws, or if the applicant relinquishes the permit  
14 before it expires.

15 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that  
16 the fee to appeal a denial, suspension, or revocation of a permit to the Keizer Hearings  
17 Officer is \$500.00.

18 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that  
19 Resolution R2014-2497 and Resolution R2016-2647 are hereby repealed in their  
20 entirety.

21

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

3           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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5           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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\_\_\_\_\_  
Mayor

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



**CITY COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE**

At the July 16, 2018 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes to revise the Code relating to signs. Such Ordinance is attached for your review.

As part of the staff report at the public hearing, there was a mention of the Senior Center request, but it was not discussed. The Senior Center on Cherry Avenue requested a change to allow an electronic message sign, which is not currently allowed because they are located on RM (Medium Density Residential) property. We made a change in Section 2.308.09 that would allow this request.

**RECOMMENDATION:**

Adopt the attached Ordinance.

Please let me know if you have any questions. Thank you.

ESJ/tmh

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A BILL  
ORDINANCE NO.  
2018-\_\_\_\_\_

FOR

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING  
SECTION 2.308 (SIGNS) AND SECTION 3.103 (CONDITIONAL USE  
PERMITS); **AMENDING ORDINANCE 98-389**

WHEREAS, the Keizer Planning Commission has recommended to the Keizer  
City Council amendments to the Keizer Development Code (Ordinance No. 98-389);  
and

WHEREAS, the City Council held a hearing on this matter on July 16, 2018  
and considered the testimony given and the recommendation of the Keizer Planning  
Commission; and

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

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

NOW, THEREFORE,

The City of Keizer ordains as follows:

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

1           Section 2.    AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

2    The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the  
3    adoption of the changes to Section 2.308 (Signs) and Section 3.103 (Conditional Use  
4    Permits) as set forth in Exhibit "B" attached hereto, and by this reference incorporated  
5    herein.

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

14          Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)  
15   days after its passage.

16          PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

17          SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Mayor

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

## EXHIBIT “A”

### **Findings regarding the adoption of amendments to Section 2.308 (Signs) and Section 3.103 (Conditional Use Permits) of the Keizer Development Code (KDC).**

The City of Keizer finds that:

1. General Findings.

The particulars of this case are found within Planning file Text Amendment 2017-16. Public hearings were held before the Planning Commission on August 9, 2017, September 13, 2017, and March 14, 2018. A public hearing was held before the City Council on July 16, 2018.

2. Criteria for approval are found in Section 3.111.04 of the Keizer Development Code. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the criteria are met. Amendments to the map shall be reviewed for compliance with each of the criteria contained in Section 3.111.04, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment, Section 3.111.04 A is not applicable.

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

**Findings:** The proposed revisions to the zone code reflect a demonstrated need. The existing language in the Keizer Development Code (KDC) was inconsistent with precedent set by the United States Supreme Court Decision “*Reed v. Gilbert*” regarding the necessity for local government sign codes to be “content neutral”. In addition, the existing language contained inconsistencies and ambiguity in regulations pertaining to temporary and portable signs. These amendments clarify the requirements and regulations governing signs and eliminate content based regulations. Therefore, this text amendment is found to be necessary to provide the appropriate level of clarity for regulating signs, as well as to be consistent with precedent set by the courts. Therefore, this proposal complies with this review criterion.

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

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

**Goal 1 – Citizen Involvement:** The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes newspaper prior to the public hearings. Public hearings were held before the Planning Commission on August

9, 2017 (which was carried forward to September 13, 2017) and March 14, 2018. A public hearing was held before the City Council on July 16, 2018. Citizens were afforded the opportunity to participate in the public process. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

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

**Goal 3 – Farm Land:** The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city’s SA zone is a state recognized EFU qualifying zone. The amendments involve regulations governing signs within the City and will not affect lands that are outside the city limits or any lawful uses occurring on those lands. Nothing in the amendments will affect the ability for an existing farm use to continue, or for a new farm use to be established on appropriately zoned property. Therefore, the amendments will comply with the Farm Land Goal and with implementing administrative rules.

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

**Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:** The intent of the Natural Resources Goal is to protect various natural resources and conserve scenic and historic areas and open spaces. The city has a local wetland inventory of sites where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the City has storm water regulations to protect water quality of the local water ways. These changes will not affect or preclude any of the city’s natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. The changes clarify and update the City’s sign regulations, and do not impact any *Natural Resources, Scenic and Historic Areas*,

*and Open Spaces.* Therefore, the amendments will be consistent with this goal and with administrative rules which implement this goal.

**Goal 6 – Air, Water and Land Quality:** The intent of this goal is to protect the city’s air, water and land qualities. The city provides its residents with city water from groundwater sources. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality in the Willamette River and local streams. Land quality is preserved through the city’s erosion control regulations and through zone code development regulations. Air quality is preserved through the city’s development code regulations which limit certain types of uses and are enforced by appropriate state agencies which govern air emission standards. The revisions will have no effect on Air, Water and Land Quality and therefore will comply with this goal and with the administrative rules that implement this goal.

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

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

**Goal 9 – Economic Development:** The intent of this goal is to ensure that the city plans for its overall economic vitality. The City has an adopted Economic Opportunities Analysis which addresses projected job needs based on both regional growth patterns and desired targeted industries. The growth forecast calls for a total of 3,774 new jobs over the next 20 years. The adopted Economic Opportunities Analysis identifies a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City’s remaining

buildable employment lands can accommodate. The text amendment will not have any adverse impact on the economic development activities or uses within the city. Therefore, the changes are consistent with this goal.

**Goal 10 – Housing:** This goal requires the city to plan and provide for the housing needs of its residents. The adopted Housing Needs Analysis found that for the upcoming 20-year period there will be a need for 4,513 new units to house the future population. The inventory of buildable residential lands contain a supply of 315.2 acres which are vacant, partially vacant or re-developable and can accommodate an estimated 2,422 units resulting in 2,090 units which must be accommodated beyond the City’s existing capacity. When this remaining land need is apportioned to Keizer’s residential zones, the HNA estimates a 20-year need of 267 gross acres of residential land. The amendments will have no impact on this goal.

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

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city’s transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The text amendment will not affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The text amendment will have no adverse impact on the city’s transportation systems and so will not affect this goal or any implementing rules.

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

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

the use of any land being transitioned from rural to urbanized uses and is therefore consistent with this goal.

**Goal 15 – Willamette River:** This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The revisions to the city’s development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

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

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

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

**FINDINGS:** The text amendments will revise Section 2.308 (Signs) and Section 3.103 (Conditional Use Permits) of the Keizer Development Code. The changes to Section 2.308 eliminate content-based regulations and clarify the standards for signs. Changes to frequency of change on electronic message signs, spacing requirements for portable signs, and allowance for temporary displays are included as a result of testimony received from the business community. The amendments will eliminate discrepancies within the code and the changes associated with content neutrality are necessary to be consistent with the precedent set by the *Reed v. Gilbert* decision. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the changes comply with this criterion.



## 2.308 SIGNS

### 2.308.01 Purpose

The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, and, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. (5/98)

### 2.308.02 Definitions

For the purposes of this Chapter, the following definitions shall apply: (5/98)

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration. (5/98)

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used.

The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a standard geometric figure or combination of no more than two (2) connected standard geometric figures (e.g., rectangle, circle, parallelogram, or a triangle) of the smallest size sufficient to cover the entire message of the sign and computing the area of the sum of the geometric figuresparallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a geographic figure or two (2) connected geographic figuresborder shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Sign Area



Awning Sign

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)

Building Face: The single wall surface of a building facing a given direction. (5/98)

Building Frontage, Primary: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area. (Ord. 2005-533 11/05)



Building Frontage and Face

Building Frontage, Secondary: Buildings located on lots abutting more than one Right of Way or a parking lot may designate one building face as a secondary building frontage. (Ord. 2005-533 11/05)

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade. (5/98)

Construct: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

~~Election Signs: Those signs which relate to an election, initiative or political viewpoint. Such signs will otherwise meet the specifications of Temporary Signs. (5/04 - Ord 2004-498)~~



Electronic Message Sign: Signs that incorporate as part of, or wholly, an electronic message or display by means of light emitting diodes, plasma, electronic ink, or other means that allow that display to be changed through electronic controls. ~~Further, an electronic message sign cannot be a wall sign.~~ (10/08 - Ord 2008-581)



Free-Standing Sign

Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest. (5/98)

Flashing Sign: A sign any part of which pulsates, scrolls, flutters, animates, lights intermittently, or blinks on and off. (10/08)

Free-Standing Sign: A permanent sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign, the structure of which will not be calculated as part of the overall sign area. (see "Area") (5/98)

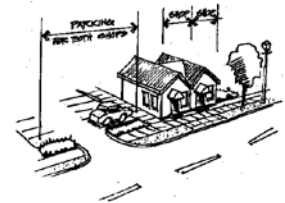
Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)



Small Integrated Business Center

Internal Illumination. A source of illumination from within a sign. (5/98)

~~Joint Use Sign: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)~~

Multi-faced Sign: A sign which has two or more identical size sign faces, contained in a single sign structure. (5/98)



Large Integrated Business Center

Multi-family Dwelling: A residential structure or complex of structures that include three or more separate dwelling units, whether rented or owned by the occupants. (5/98)

Mural: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure. (5/98)



Joint-Use Sign

Nit: Nit is used as a measurement of luminance, where the Nit is equal to one candela per square meter (1cd/m<sup>2</sup>). A candela is a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian



Multi-Faced Sign

in the same direction. By way of example, an ordinary wax candle generates approximately one candela. (10/08)

Nonconforming Sign: Any sign which lawfully ~~existed~~exists prior to May 7, 1990~~the effective date of this chapter~~ but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (5/98)



– Portable Signs

Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)

Portable Sign: A sign that is, or similar to, an A-frame sign, sandwich board sign, yard sign, wind feather or feather flag, or a sign attached to wood or metal frames and designed to be self-supporting and movable. Wind feathers or feather flags may be placed on a stand or placed in the ground. Portable signs are not to be considered temporary signs as defined and used in this chapter. (12/10)



Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted. (11/05)

~~Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.~~ (5/98)



Roof Line and Roof Sign

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner. (5/98)

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol, logo or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part



Sign Face

thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)

**Sign Face:** Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "area."

**Sign Height:** The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)

**Sign Structure:** The supports, uprights, braces, framework and other structural components of the sign. (5/98)

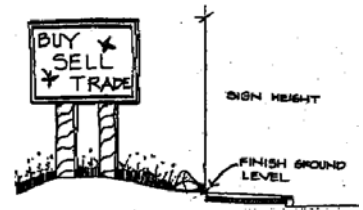
**Street Frontage:** That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

**Temporary Business:** A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (5/98)

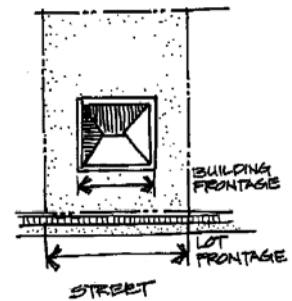
~~Temporary Sign: A sign not permanently affixed to a structure on a property. A sign that is, or is similar to, a banner or wind feather sign which may be made of canvas, cloth, rigid plastic or paper, or vinyl. (12/10)~~

~~Temporary Sign: A sign that is, or is similar to, a banner and is attached, but not permanently affixed to a building, and which may be made of canvas, cloth, rigid plastic, paper, vinyl, or other lightweight flexible material.~~

**Wall Sign:** A permanent sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign. (5/98)



Sign Height



Street Frontage



Temporary Sign



Wall Sign

## 2.308.03 Review Procedures

- A. Permit Required. Except as specifically excluded herein, no property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid permit to do so. (5/98)



~~B. Current Signs. Owners of conforming or nonconforming signs existing as of December 4, 1989 are not required to obtain a permit until the end of the abatement period described in Section 2.308.04.C. (5/98)~~

BC. Permit Fees. Permit fees shall be established from time to time by City Council resolution. (5/98)

CD. Application Requirements. An application for a sign permit shall be made on a form prescribed by the Zoning Administrator. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. (5/98)

The Zoning Administrator shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of the Keizer Zoning Ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of the Keizer Zoning Ordinance are void. The Zoning Administrator may revoke a sign permit if he finds that there was a material and misleading false statement of fact in the application for the permit. (5/98)

DE. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards: (5/98)

1. Compliance with Building Codes. All signs shall comply with the applicable provisions of ~~Uniform the~~ Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements. (5/98)
2. Materials. Except for banners, flags, ~~portable signs,~~ temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. (5/98)
3. Maintenance. All signs shall be maintained in a good structural condition and readable at all times. (5/98)

4. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs. (5/98)
5. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards. (12/10)

## **2.308.04 Nonconforming Signs**

- A. Any sign not complying with these regulations is prohibited and constitutes a violation.

~~Alteration of Nonconforming Sign Faces. Nonconforming signs are subject to the following provisions regarding alteration: (5/98)~~

- ~~1. Change Permitted. Within the abatement period described in Section 2.308.04.C., a No alteration or replacement of any nonconforming sign shall be allowed. A change in sign face alone is allowed without requiring compliance with these regulations. (5/98)~~
- ~~2. Termination of Nonconforming Sign. Within the abatement period described in Section 2.308.04.C., wWhen a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within sixty (60) days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations. (5/98)~~

- B. Permits for Properties with Nonconforming Signs. (5/98)

1. Businesses in Integrated Business Centers. For individual businesses in integrated business centers, all signs of the individual business must comply prior to issuance of sign permits for new or altered signs for such business. No free-standing sign permits will be issued for the integrated business center, unless all free-standing signs comply. (5/98)
2. Businesses Not in Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations, ~~except as set forth in Section 2.308.04.B.4. (5/98)~~

3. ~~Nonconforming Sign Area. Except as set forth above and in Section 2.308.08.B.4., all conforming and/or nonconforming signs in existence as of the date of the permit application shall be included in the total allowed area, number or size when reviewing applications for new or altered signs to be allowed on the property.~~ (5/98)

4. ~~Exception for Non-Owned Signs. Signs which are not owned or controlled by the property owner or lessee prior to May 7, 1990, and which were constructed or installed prior to May 7, 1990, shall not be included in the total allowed area for sign permits granted prior to May 7, 1997.~~ (5/98)

C. ~~Abatement of Nonconforming Signs. Permanent signs in existence on May 7, 1990 that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming signs and must be removed, altered, or replaced so as to conform on or before May 7, 1997. The period from the date of the enactment of these regulations to May 7, 1997, shall be described as the "abatement period." Nonconforming signs remaining after the abatement period ends shall be considered illegal signs. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming and shall be removed on or before September 7, 1990.~~ (10/08)

~~The Zoning Administrator shall notify non-conforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this Ordinance within the time period herein. Properties annexed to the City after the effective date of this Ordinance shall have 7 years following annexation in which to conform to these regulations, with the exception of temporary signs that shall conform to the regulations within 90 days following annexation.~~ (5/98)

Electronic Message Signs which are legally placed and maintained in all respects on or before October 6, 2008 shall be allowed to remain as non-conforming signs and do not have to be brought into compliance. However, once a non-conforming Electronic Message Sign is removed, any replacement sign must comply in all respects with these regulations. (10/08)

D. Abandoned Signs. All signs for a business shall be removed within 30120 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation. (5/98)

~~E. Minor Nonconforming Signs. Individual signs that otherwise comply and are existing as of May 7, 1990, that are within 5% of both the allowed area (total and per sign) and the allowed height as set forth in~~



~~these regulations are allowed to remain as nNonconforming signs and do not have to be brought into compliance. However, once a nonconforming sign is removed, any replacement sign must comply in all respects with these regulations.~~ (5/98)

## **2.308.05 Signs Generally Permitted**

Subject to the limitations in Sections ~~2.308.04.C.~~, 2.308.07 and 2.308.08, the following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area: (5/98)

- A. Sign Copy. Painting, change of sign face or copy and maintenance of signs ~~legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations.~~ (5/98)
- B. Temporary Signs. Temporary signs that do not exceed 16 square feet in area ~~\_. No lot~~ may ~~be~~ displayed for a maximum of temporary signs for more than 120 days in any calendar year. Only one temporary sign per ~~lot storefront or residence~~residential structure may be displayed at a time except during the period 45 days preceding and seven days following governmental elections, ~~signs which relate to such elections during which time temporary signs~~ may be unlimited in number. Paper signs may only be used for single day events. (12/10)
- ~~C. Real Estate Signs. Signs that advertise the sale, rental or lease of premises upon which the sign is located. Commercial Properties may display a real estate sign not exceeding 16 square feet in area. Residential properties may display a real estate sign not exceeding 6 square feet in area.~~ (12/10)
- CD. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency, city identification, signs related to public services or safety, ~~and signs approved by City Council resolution for special events or activities.~~ (12/10)
- DE. Development Signs. One sign not over 32 square feet ~~for a residential development or subdivision, and~~ located at each street entrance to a residential subdivision or residential~~the~~ development. (5/98)
- EF. Incidental. Incidental signs that do not exceed 6 square feet. Such signs shall not be mounted on permitted freestanding sign structures. (5/98)
- FG. Flags. Flags on permanent flag poles that are designed to allow raising and lowering of the flags. Flagpoles shall either be freestanding or shall

be mounted on the building but if mounted on the building may not be taller than the peak of the roof. Flags shall not exceed 25 square feet in area. (5/98)

GH. Interior Signs. Signs within a building. (5/98)

HI. Window Signs. For commercial or industrial buildings, signs painted or hung on the inside of windows, or otherwise affixed ( such as window clings) to the surface of a window with its message intended to be visible to the exterior environment, provided such signs shall cover no more than 50% of the surface area of the window in which they are hung. (5/98)

~~J. Non-profit Signs. A non-profit organization may display a portable sign subject to the following: (5/98)~~

~~1. Three signs per organization at one time. (5/98)~~

~~2. Maximum sign area: 16 square feet. (5/98)~~

~~3. The sign shall be displayed no more than six times in any 365 day period, and shall not be displayed longer than five days each time. (5/98)~~

~~4. The sign shall not be placed on public property or in any right-of-way. (5/98)~~

~~5. The non-profit organization shall request and receive consent from the property owner of the property on which the sign is placed. (5/98)~~

~~6. If requested, the non-profit organization shall provide appropriate proof that such organization is organized not to make a profit, but for charitable, educational, religious, or philanthropic purposes. (5/98)~~

IK. Residential Signs. Residential signs, pursuant to requirements in Section 2.308.07. (5/98)

~~L. Election Signs. During the period of forty-five (45) days prior and seven (7) days after any governmental election, signs which meet the definition of temporary or portable signs, and which pertain to such election, may be unlimited in number. (12/10)~~

JM. Portable Signs. Portable ~~signs may be displayed for a maximum of 120 days in any calendar year, and are~~ signs are limited to 6 square feet in area, with the exception that wind feather/feather flag signs may be up

to 16 square feet in area. One portable sign per storefront or residence residential structure is allowed except during the period 45 days preceding and seven days following governmental elections, during which time portable signs may be unlimited in number. The following additional standards apply to portable signs: (12/10)

- ~~1. Portable signs located within 10 feet of the main entry of a business may be displayed without limit to time. (12/10)~~
- ~~2.1. Portable signs not located adjacent to a business entrance may not be within 50-25 feet of any other portable sign on the same lot or less than 10-5 feet from a side lot property line. (12/10)~~
- ~~3.2. Portable signs must be located on private property, and may not be within any public sidewalk easement or right of way. If located along a public street, signs must be located behind the sidewalk regardless of property line location. (12/10)~~
- ~~4.3. Portable signs cannot impede sidewalks, exits, or other pedestrian, vehicular, or bicycle way. (12/10)~~
- ~~5. Portable signs may only be displayed during business hours. (12/10)~~

## **2.308.06 Prohibited Signs**

The following signs are prohibited, and are subject to immediate code enforcement action including but not limited to the issuance of citations and/or confiscation under the Keizer Uniform Nuisance Abatement Ordinance: (5/98)

- A. Tethered Signs. Balloons or similar types of tethered objects, including strings of pennants. (5/98)
- B. Roof Signs. Roof signs or signs which extend higher than the roof line. (5/98)
- C. Odor, Visible Matter. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed. (5/98)
- D. Wire Supports. Signs that use or employ side guy lines of any type. (5/98)
- E. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)

- F. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)
- G. Vehicle, Trailer Signs. No vehicle, trailer, or trailer mounted reader boards shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising. (12/10)
- H. Rotating/revolving Signs. (10/08)
- I. Flashing Signs. (10/08)
- J. ~~Projecting~~Projection Signs. Projecting signs exceeding 24 inches and private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is 8 feet or more above the sidewalk. (11/05)
- K. View Obstruction. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard. (5/98)
- L. Safety Interference. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light. (5/98)
- M. Signs in the public right of way/Use of Utility Poles. Except for government signs under Section 2.308.05(C), PrivateSigns located in public right-of-way, in any public or utility easement or attached to any utility poles. Signs located in such areas are subject to immediate removal without notice.~~attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.~~ (5/98)
- N. Vacant Land. Any sign on unimproved property, unless allowed as a temporary or portable sign. (5/98)
- O. Electronic Message Signs. Electronic message signs except by conditional use permit. Electronic message signs that change more frequently than once per fifteen (15) sixty (60) seconds ~~minutes~~ are prohibited. Further, any change made with the use of scrolling,

flashing, fluttering or other animated effects is prohibited. Variances to any of these requirements are not allowed. (10/08)

P. Temporary or Portable signs exceeding the allowed size or timeframes for display are prohibited, unless authorized by Special Occasion Permit approval as outlined in Section 2.308.08.E.

## **2.308.07 Non-Commercial SignsUses**

The following regulations apply to signs for residences, public or semi-public buildings and similar non-commercial, non-industrial uses: (5/98)

- A. Sign types. The following sign types are allowed: (5/98)
  - 1. Wall, canopy and window signs subject to the limitations in 2.308.07.C. (5/98)
  - 2. Free-standing signs subject to the limitations in 2.308.07.C. (5/98)
  - 3. Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance. (5/98)
- B. Maximum number. Any ~~number~~combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.308.07.A.3. (5/98)
- C. Maximum Sign Area. Maximum total sign area for property on which the building or buildings are located: (5/98)
  - 1. Single-family and two-family (duplex) dwelling: 6 square feet. (5/98)
  - 2. Multiple family dwelling: 32 square feet. (5/98)
  - 3. Public and semi-public: 64 square feet. (5/98)
- D. Maximum sign height:
  - 1. Wall, canopy or window sign: 8 feet. (5/98)
  - 2. Free-standing sign: 6 feet. (5/98)

- E. Location: (5/98)
1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet. (5/98)
  2. Free-standing signs are permitted where fences are allowed. (5/98)
- F. Illumination. Except for Electronic Message Signs, non-commercial [use](#) signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare. (10/2008 Ord. 2008-581)

## **2.308.08 Commercial and Industrial [SignsUses](#)**

The following regulations apply to signs for commercial and industrial uses: (5/98)

A. Non-integrated Business Centers:

1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet. (5/98)
2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft.
32. Type, maximum number and size of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs. Regardless of total allowed area, the free-standing signs shall be limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which the ~~y~~<sup>n</sup> front. (5/98)
43. Maximum sign height: (5/98)
  - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
  - b. Free-standing signs: 20 feet. (5/98)

**54.** Location: (5/98)

- a. Wall or projecting signs may project up to 2 feet away from the building. (5/98)
- b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)

**B. Integrated Business Centers:**

1. Allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. The sign area of a projecting sign shall be calculated as a free-standing sign. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C. (11/05)
2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (11/05)
3. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet each in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front. (11/05)
4. Maximum sign height: (5/98)
  - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
  - b. Free-standing signs: 20 feet. (5/98)
5. Location:
  - a. Wall or projecting signs may be located on any face of the building, except as provided in 2.308.08.B.4.b, and may project up to 2 feet away from the building. (11/05)



- b. Wall signage located on a Secondary Building Frontage shall be limited to only one sign, limited in size as provided in 2.308.08.A.2. In no case may any signage derived on the primary building frontage be located on the secondary building frontage. (11/05)
  - c. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)
- C. Mixed Use Developments. Signs for developments containing a mixture of commercial and residential uses shall be subject to the following restrictions: (5/98)
  - 1. Non-commercial uses shall be subject to the provisions in Section 2.308.07. (5/98)
  - 2. Commercial-industrial uses shall be subject to the provisions for integrated business centers in Section 2.308.8.B. (5/98)
  - 3. Free-standing signs shall be subject to the provisions in Section 2.308.08.B.2. (5/98)
- D. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs. (5/98)
  - 1. Secondary Entrance. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance. (5/98)
  - 2. Vehicle Directional Signs. Vehicle Directional signs, ~~such as "Exit" or "Entrance"~~, are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing ~~directional~~ signs shall be limited to a height of 6 feet. (5/98)
  - 3. ~~Menu Boards~~Drive Through Signs. ~~Order S~~signs ~~describing products and/or order instructions to a customer, such as menu boards on the exterior of~~ located adjacent to a drive-through lane at a restaurant are allowed as follows: one per drive through lane business limited to 40 square feet in area and a maximum height of 8 feet. Any ~~order~~ sign greater than 10 square feet in



area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge. (11/05)

E. Signs for Temporary Businesses/Special Occasions.

1. Signs For Temporary Businesses. Temporary businesses receiving temporary business permit approval, may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary business signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way. (5/98)

2. Signs For Special Occasions. The placement of multiple and/or oversized temporary or portable signs is only allowed subject to permit approval. A Special Occasion Sign Permit may be granted for one or both of the following situations:

a. Any combination of temporary or portable sign types, regardless of size and quantity, are allowed for a maximum of 14 consecutive calendar days. A maximum of 2 Special Occasion Sign permits may be issued for any given address in a calendar year, with no less than 30 days between events; OR

b. One oversized portable sign (not including wind feathers or feather flags) up to 16 square feet in area may be allowed for up to a 120 day period in a calendar year. Permits may be renewed and are limited to one oversized portable sign per property.

F. Signs for Mobile Food Vendors

1. In addition to the signs allowed in Section 2.308.08(F)(2) below, Mobile Food Vendors shall be limited to 6 square feet of signage which can be displayed only during hours of operation and shall comply with the provisions within Section 2.308.05.M. ~~(1) thru (5) but exempt from the time limit provision.~~ (07//17)
2. Signs painted upon or affixed directly to the Mobile Food Vendors are exempt from the Sign Code provisions, provided that no sign may protrude from or project above the roofline of the unit. All other signage must comply with the remaining provisions of Section 2.308. (07//17)
3. Property on which two or more Mobile Food Vendors are located shall comply with the remaining provisions within the Sign Code. (9/16)

## G. Special Commercial Signs

1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.3068.07. (5/98)
2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.3068.07. (5/98)
3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.3068.07. (5/98)
4. Signs for stadiums in the IBP Zone. Notwithstanding any other regulations in this Chapter, in the IBP zone for stadiums with seating for not less than 4,000 persons, the following shall apply: (11/05)
  - a. Total allowed area. 760 square feet. (11/05)
  - b. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign, and a total of no more than two (2) wall or canopy signs. Regardless of the total allowed area, the free standing sign shall be limited to a maximum of 680 square feet. (11/05)
  - c. Maximum sign height: (11/05)
    1. Wall and canopy signs – shall not project above the parapet or roof eaves. (11/05)
    2. Free standing sign – maximum total height of fifty (50) feet. (11/05)
  - d. Location:
    1. Wall signs – may project up to 1.5 feet from the building. (11/05)
    2. Free standing sign – no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (11/05)

### **2.308.09 Conditional Uses**

- A. Procedures. Applications for conditional use permits for illumination of non-commercial use signs, or electronic message signs shall be processed according to the procedure set forth in Section 3.103 of this

Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings for illumination of non-commercial use signs or electronic message signs are set forth in this Section. The criteria of Section 3.103 shall not be applied. (Ord 2008-581 10/2008)

- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for the illumination of non-commercial use and electronic message signs: (10/2008 Ord 2008-581)
1. The proposed sign is located in an EG, P, IBP, CR, CO, MU, CM or a CG zone, or the proposed sign is for a public or semi-public use regardless of the underlying zone. (10/08)
  2. The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) lead to signs that adversely dominate the visual image of the area. (10/08)
  3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. Electronic Message Signs that are proposed to be located in a P zone adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Electronic Message Signs proposed for a public or semi-public use ~~to be located in the P zone~~ adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM ~~and may only be changed once in a 24-hour period.~~ (10/08)
  4. The proposed sign will not present a traffic or safety hazard. (5/98)
  5. If the application is for the illumination of non-commercial use or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. (10/08)

Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than fifteen (15) ~~sixty (60) seconds~~ minutes. Further, the level of illumination must be limited in the following ways:

- a. (A) An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or low-voltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.

- b. No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between sunrise and sunset; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:
  1. For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between sunrise and sunset;
  2. For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between sunrise and sunset;
  3. For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between sunrise and sunset. (10/08)
6. The total allowed sign area ~~for a business~~ shall be reduced by 25% if the ~~business has~~application is for an electronic message sign. (10/08)
7. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions. (5/98)

## **2.308.10 Variances**

- A. Procedure. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. ~~Minor variances under Section 3.105.04 of this Ordinance shall not be allowed.~~  
 Variances to this Section will be processed according to the procedures in Section 3.202.02 as a Type I-B procedure. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (11/05)
  1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
    - a. The existing sign regulations create an undue hardship; (5/98)
    - b. The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and

- c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. (5/98)
- 2. The granting of the variance shall not: (5/98)
  - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)
  - b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)
  - c. Be the result of a self-imposed condition or hardship. (5/98)

### **2.308.11 Exemptions**

The following are exempt from the regulations of this Chapter, but may be subject to other regulations under this Development Code or other City regulations:

- A. Public Art as defined by City Ordinance or Resolution. (3/14)

## **3.103 CONDITIONAL USE PERMITS**

### **3.103.01 Process**

Conditional Use Permit applications shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.202.02. (2/01)

### **3.103.02 Application and Fee**

An application for a Conditional Use Permit shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (2/01)

### **3.103.03 Criteria for Approval**

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria: (5/98)

- A. The use is listed as a conditional use in the underlying district. (5/98)
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features. (5/98)
- C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use. (5/98)
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district. (5/98)
- E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use. (5/98)

### **3.103.04 Conditions**

Upon review of those criteria, the findings may be considered to impose specific conditions of approval. The effective date of a conditional use may be limited. (2/01)

### **3.103.05 Transfer of a Conditional Use**

Unless otherwise provided in the final decision granting this conditional use, any conditional use granted shall run with the land, and shall automatically transfer to any new owner or occupant subject to all conditions of approval. (5/98)

### **3.103.06 Other Conditional Use Actions**

- A. Signs. Pursuant to Section 2.308.09 certain types of signs require Conditional Use approval. A sign conditional use contains specific decision criteria which is found in Section 2.308.09~~8~~. The Conditional Use request for signs is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)
- B. Floodplain Development Permit. Pursuant to Section 2.122.06 certain types of floodplain development requires Conditional Use approval. A floodplain conditional use contains specific decision criteria which is found in Section 2.122.06. The Conditional Use request is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)
- C. Greenway Development Permit. Pursuant to Section 2.121.04 certain types of Greenway activities require Conditional Use approval. A Greenway conditional use contains specific decision criteria which is found in Section 2.121.04. The Conditional Use requests are subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)

**CITY COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE  
AND KEIZER COMPREHENSIVE PLAN**

At the July 2, 2018 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes and the Keizer Comprehensive Plan revisions relating to historic resources. Such Ordinance is attached for your review.

**RECOMMENDATION:**

Adopt the attached Ordinance.

Please let me know if you have any questions. Thank you.

ESJ/tmh



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A BILL  
FOR  
AN ORDINANCE

ORDINANCE NO.  
2018-\_\_\_\_\_

AMENDING KEIZER DEVELOPMENT CODE REGARDING SECTION 1.200 (DEFINITIONS), SECTION 2.123 (GREENWAY MANAGEMENT OVERLAY ZONE (GMO)), SECTION 2.127 (HISTORIC RESOURCES), SECTION 2.408 (BED AND BREAKFAST ESTABLISHMENT), SECTION 2.431 (NURSING AND PERSONAL CARE FACILITIES), SECTION 2.432 (COTTAGE CLUSTER DEVELOPMENT), SECTION 3.101 (SUMMARY OF APPLICATION TYPES), SECTION 3.112 (ANNEXATIONS), SECTION 3.202 (GENERAL PROCEDURES – TYPES I, II, AND III ACTIONS); **AMENDING ORDINANCE 98-389**; AND AMENDING ORDINANCE NO. 87-077 (THE KEIZER COMPREHENSIVE PLAN); **AMENDING ORDINANCE 87-077**

WHEREAS, the Keizer Planning Commission has recommended to the Keizer City Council amendments to the Keizer Development Code (Ordinance No. 98-389);

WHEREAS, the Keizer Planning Commission has recommended to the Keizer City Council amendments to the Keizer Comprehensive Plan (Ordinance No. 87-077);

WHEREAS, the City Council held a hearing on this matter on July 2, 2018 and considered the testimony given and the recommendation of the Keizer Planning Commission;

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

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

4           NOW, THEREFORE,

5           The City of Keizer ordains as follows:

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

8           Section 2.   AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

9   The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the  
10   adoption of the changes to Section 1.200 (Definitions), Section 2.123 (Greenway  
11   Management Overlay Zone (GMO)), Section 2.127 (Historic Resources), Section  
12   2.408 (Bed and Breakfast Establishment), Section 2.431 (Nursing and Personal Care  
13   Facilities), Section 2.432 (Cottage Cluster Development), Section 3.101 (Summary of  
14   Application Types), Section 3.112 (Annexations), Section 3.202 (General Procedures  
15   – Types I, II, and III Actions) as set forth in Exhibit "B" attached hereto, and by this  
16   reference incorporated herein.

17          Section 3    AMENDMENT OF THE KEIZER COMPREHENSIVE PLAN  
18   (ORDINANCE NO. 87-077). Ordinance No. 87-077 (Keizer Comprehensive Plan) is  
19   hereby amended by the revision of Chapter III, Page 10 as indicated in Exhibit "C"  
20   attached hereto, and by this reference incorporated herein.

21

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

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

11           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

12           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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\_\_\_\_\_  
Mayor

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

## EXHIBIT “A”

**Findings regarding the adoption of amendments to Section 2.127(Historic Resources); Section 1.200(Definitions); Section 2.123(Greenway Management Overlay Zone); Section 2.408(Bed and Breakfast Establishment); Section 2.431(Nursing and Personal Care Facilities); Section 2.432(Cottage Cluster Development); Section 3.101(Summary of Application Types); Section 3.112 (Annexations); Section 3.202 (General Procedures-Types I, II, and III Actions) of the Keizer Development Code (KDC), and the Keizer Comprehensive Plan.**

The City of Keizer finds that:

1. General Findings.  
The particulars of this case are found within Planning file Text Amendment 2018-09. Public hearings were held before the Planning Commission on May 9, 2018 and before the City Council on July 2, 2018.
2. Criteria for approval are found in Section 3.111.04 of the Keizer Development Code. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the criteria are met. Amendments to the map shall be reviewed for compliance with each of the criteria contained in Section 3.111.04, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment, Section 3.111.04 A is not applicable.
3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**  
  
**Findings:** The proposed revisions to the zone code and comprehensive plan reflect a demonstrated need. The existing language in the Keizer Development Code (KDC) was unclear and inconsistent as to the process and criteria for designating historic resources. In addition, the existing language did not clearly provide for the mandated “property owner refusal”, nor did it specifically protect National Register Resources (which are requirements of recently passed legislation). These amendments clarify the ability for a property owner to refuse consent to a historic designation, and provide protections for National Historic Register resources. Additionally, the process for designating a historic resource and the factors to consider are clarified by these changes. Therefore, this text amendment is found to be necessary to provide the appropriate level of clarity for designating historic resources and protecting National Historic Register resources. Therefore, this proposal complies with this review criterion.
4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

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

**Goal 1 – Citizen Involvement:** The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes newspaper. Public hearings were held before the Planning Commission on May 9, 2018, and before the City Council on July 2, 2018. Citizens were afforded the opportunity to participate in the public process. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

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

**Goal 3 – Farm Land:** The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city’s SA zone is a state recognized EFU qualifying zone. The amendments involve regulations affecting the designation and protection of historic resources within the City and will not affect lands that are outside the city limits or any lawful uses occurring on those lands. Currently, there are no “designated” historic resources within the City, but nothing in the amendments will affect the ability for an existing farm use to continue, or for a new farm use to be established on appropriately zoned property. Therefore, the amendments will comply with the Farm Land Goal and with implementing administrative rules.

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

**Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:** The intent of the Natural Resources Goal is to protect various natural resources and conserve scenic and historic areas and open spaces. The city has a local wetland inventory of sites where wetland soils may be present. The city has an

adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the City has storm water regulations to protect water quality of the local water ways. These changes will not affect or preclude any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. The changes will provide a clear process for designating historic resources at the local level, and will protect National Historic Register resources. In addition, clarification is being made regarding property owner's right of refusal to historic designation in order to be consistent with the provisions of OAR 660. Therefore, the amendments will be consistent with this goal and with administrative rules which implement this goal.

**Goal 6 – Air, Water and Land Quality:** The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality in the Willamette River and local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses and are enforced by appropriate state agencies which govern air emission standards. The revisions will have no effect on Air, Water and Land Quality and therefore will comply with this goal and with the administrative rules that implement this goal.

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

**Goal 8 – Recreation:** This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories parks, playgrounds, and recreational opportunities within the city limits and plans for the city's future

park and recreation needs. The amendments will have no impact on the recreational activities that occur on any park land within the city and will not impact either this goal or any administrative rules that implement it.

**Goal 9 – Economic Development:** The intent of this goal is to ensure that the city plans for its overall economic vitality. The City has an adopted Economic Opportunities Analysis which addresses projected job needs based on both regional growth patterns and desired targeted industries. The growth forecast calls for a total of 3,774 new jobs over the next 20 years. The adopted Economic Opportunities Analysis identifies a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. The text amendment will not have any adverse impact on the economic development activities or uses within the city. Therefore, the changes are consistent with this goal.

**Goal 10 – Housing:** This goal requires the city to plan and provide for the housing needs of its residents. The adopted Housing Needs Analysis found that for the upcoming 20-year period that there will be a need for 4,513 new units to house the future population. The inventory of buildable residential lands contain a supply of 315.2 acres which are vacant, partially vacant or re-developable and can accommodate an estimated 2,422 units resulting in 2,090 units which must be accommodated beyond the City's existing capacity. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need of 267 gross acres of residential land. The amendments will have no impact on this goal.

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

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The text amendment will not affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The text

amendment will have no adverse impact on the city's transportation systems and so will not affect this goal or any implementing rules.

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

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

**Goal 15 – Willamette River:** This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The revisions to the city's development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

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

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

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

**FINDINGS:** The text amendments will revise Section 2.127 (Historic Resources) along with several other related sections of the Keizer Development Code and the Comprehensive Plan in order to comply with recently adopted legislative changes to the Oregon Administrative Rules regarding historic preservation. The amendments will: clarify the process and standards for designating historic resources; require property owner consent for designation of a historic resource; clearly allow a property owner to refuse local designation; and provide protections to National Historic Register resources. These changes are necessary



to be consistent with recent legislative changes. The Comprehensive Plan contains goals and policies regarding historic preservation and the amendments represent a logical implementation of the Keizer Comprehensive Plan. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the changes comply with this criterion.

## **1.200 DEFINITIONS**

### **1.200.01 General Provisions**

- A. General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire ordinance (general), and those terms that are apply to specific Sections (specific). Terms used in specific Sections are identified as follows:

[Adult]Adult Entertainment Business; Section 2.418

[Flood]Floodplain Overlay Zone; Section 2.120

[Greenway] Greenway Management Overlay Zone; Section 2.121

[Historical] Historical ~~al Landmark Overlay Zone Resources~~; Section 2.1257

[RV Park] Recreational Vehicle Park; Section 2.412

[Signs]Signs; Section 2.308

- B. Interpretation. When there are two definitions for the same word or phrase, then the definition most applicable for the given situation shall apply. If appropriate, specific terms may be applied to general situations. (5/98)

### **1.200.02 Grammatical Interpretation.**

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, and the singular includes the plural. The word "shall" is mandatory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings. (5/98)

### **1.200.03 Diagrams**

Diagrams are provided for terms or phrases in order to provide an illustrative example. (5/98)

### **1.200.04 Definitions.**

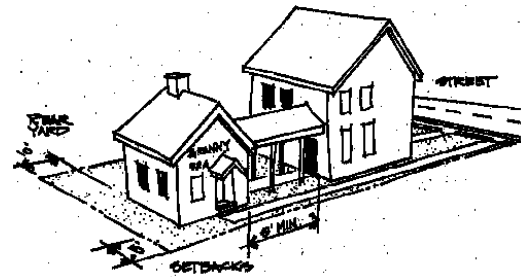
The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Access: The way or means by which pedestrians and vehicles shall have ingress and egress to property. (5/98)

Access Easement:

A narrow, private, limited use roadway, which provides access to a public street for properties that do not have usable public street frontage. (11/16)

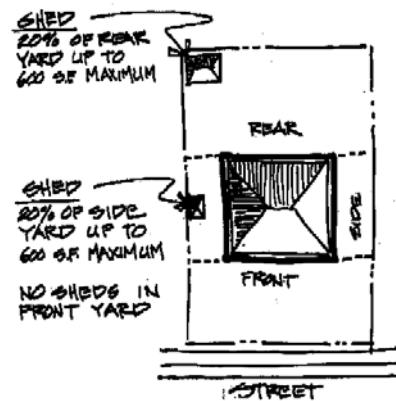
Accessory Residential Housing: A, subordinate dwelling unit the use of which is incidental to the main building and is used as dwelling or living quarters. (5/98)



Accessory Housing

Accessory Structure: A detached, subordinate building or portion of a main building, the use of which is incidental to the main building or use of the land, but does not include dwellings or living quarters. (5/98)

Accessory Structure [Flood]: Sheds or small garages less than 480 square feet in area that are exempt from elevation or flood proofing requirements. (5/98)



Accessory Structure

Accessory Use: A use incidental and subordinate to the main use of the parcel, lot or building. (5/98)

Adjacent: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent." (5/98)

Administrative Decision: A decision made by applying the existing standards contained in this Ordinance and without a public hearing. (5/98)

Adult entertainment business [Adult]: A term intended to cover a broad range of activities characterized by live, closed circuit, digital, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult businesses limit their patrons to persons at least 18 years of age. The term "adult entertainment business" also includes the full range of adult motion picture or video theaters and related businesses, such as adult bookstores, adult theaters, adult massage parlors, adult lotion studios, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which make up a substantial or significant portion of the establishment's activities or merchandise and constitute a continuing course of conduct of exhibiting specified sexual activities and/or nudity in a manner which appeals to a prurient interest. The term "adult entertainment business" also includes other uses similar to the uses mentioned above, presenting material for patrons to view (live, closed circuit, or reproductions), providing massage or lotion studios for the purpose of fondling or other erotic touching of specified anatomical areas and/or purchase or rent of merchandise which emphasizes nudity and/or specified sexual activity in a manner which appeals to a prurient interest, and limiting entrance to patrons who are over 18 years of age. (5/98)

Alteration [Historical]: A change, addition, or modification to the exterior of a building. (5/98)

Alteration or Altered [Sign]: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face shall not be considered an alteration. (5/98)

Alteration, Structural: Any change in the exterior dimensions of a building, or, a change which would affect a supporting member of a building, such as a bearing wall, column, beam, or girder. (5/98)

Appeal: A request for a review of a decision authority's action on an application. (5/98)

Applicant: The property owner of record or contract purchaser. (5/98)

Approved: Means approved by the Community Development Director, Hearings Officer, Planning Commission or City Council having the authority to grant such approval. (5/98)

Architectural Front: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural front of a building is opposite the architectural rear. The architectural front is typically the façade with the main point of entry into the building and may include doorways, stairs, windows, and other architectural features typically found on a front of the residential building. It may be oriented towards a street or towards an internal parking lot. (6/07)

Architectural Rear: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural rear of a building is opposite the architectural front, or the façade with the main point of entry into the building. The architectural rear is typically the side of the building that may include such features as porches, patios or other features for use of either individual or multiple units. (6/07)

Architectural Side: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural side of a building is perpendicular to both the architectural front and rear. The architectural side is typically the façade without any significant architectural features found on either the front or rear of the building. (6/07)

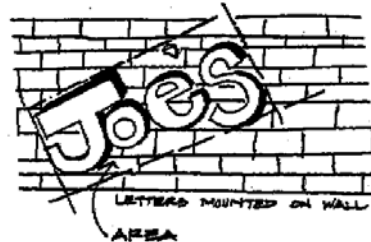
Area: The total area circumscribed by the boundaries of a lot or parcel, except that:

1. When the legal instrument creating the property shows the boundary extending into a public street right-of-way, then for purposes of computing the lot or parcel area shall be the street right-of-way line,

or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street. (5/98)

2. Private access easements, and the access strips to flag-lots, shall not be included when calculating the area of a lot or parcel. (5/98)

**Area [Sign]:** The area of a sign shall be the entire area within any type of border, which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Sign Area

**Area of Special Flood Hazard [Flood]:** Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (5/98)

**Attached Dwellings:**

Two or more dwelling units on separate properties that share a common wall for a full story that adjoins enclosed habitable space on each side. Attached dwellings shall be joined along a common wall for no less than one story for a distance of at least 10 feet. (01/02)

**Automobile, Recreational Vehicle or Trailer Sales:** A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers and where repair work is limited to minor, incidental repairs. (5/98)

**Awning [Sign]:** A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)

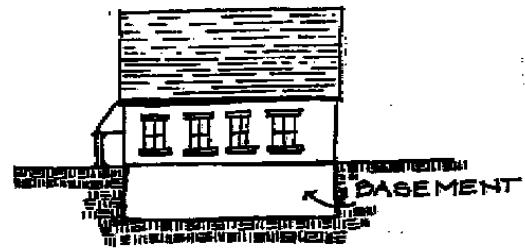


Sign Awning

**Base Flood Level [Flood]:** The flood level having a 1 percent chance of being equaled or exceeded in any given year (100 year flood plain). (5/98)

**Basement:** That habitable portion of a building between floor and ceiling which is all below, or partly below and partly above, grade, but so located that for all exterior walls the average vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.

(5/98)



Basement

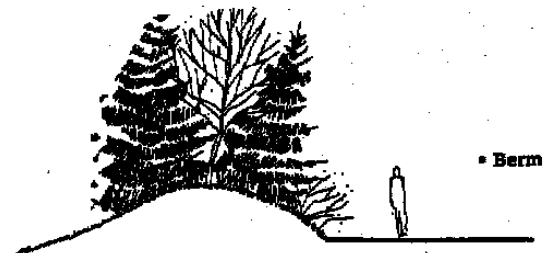
**Bed and Breakfast Establishment:** A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis with a morning meal provided.

(5/98)

**Berm:** A linear mound of soil. (5/98)

**Bicycle Facilities:** Improvements which provide for the needs of cyclists, including bicycle paths, bicycle routes and bicycle parking. (5/98)

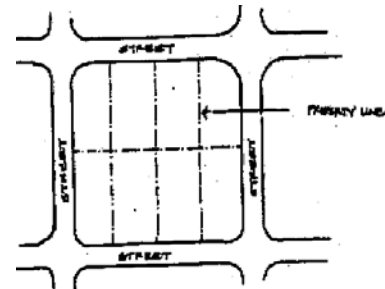
**Biomass Facility:** An electric generating facility that burns wood, agricultural products, other plant or animal waste or material solid waste as fuel to produce steam which is converted to electricity. This definition also includes a gasification, methane fermentation, or alcohol fuel production facility. (5/98)



Berm

**Block:** A parcel of land bounded by 3 or more through streets. (5/98)

**Building:** A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. Recreational vehicles shall not be considered buildings. (5/98)

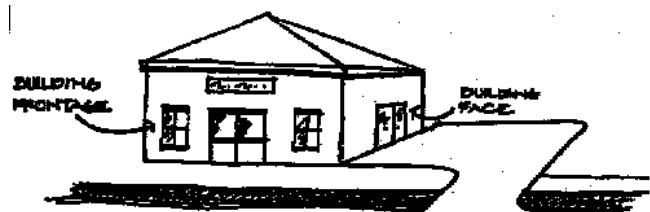


Block

**Building Coverage:** The portion of a lot or parcel covered or occupied by buildings or other structures. (5/98)

**Building Face [Sign]:** The single wall surface of a building facing a given direction. (5/98)

**Building Frontage [Sign]:** The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A service station may use the longest side of an overhanging



Building Face & Frontage

canopy for building frontage. (5/98)

**Building Height:** The vertical distance from the average elevation of the finished grade to the highest point of the structure. By definition, building height does not include architectural and building features exempt from height restrictions. (5/98)



**Building, Main:** A building within which is conducted the principal use of the property. (5/98)

**Building Official:** An individual empowered by the City to administer and enforce the Uniform Building Code (UBC). (5/98)

**Cabana:** A stationary structure with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home. (5/98)

**Canopy Sign [Sign]:** A sign hanging from a canopy or eve, at an angle to the adjacent wall. (5/98)



**Carpool:** A group of two or more commuters, including the driver, who share the ride to and from work or other destinations. (5/98)

**Carport:** A structure consisting of a roof and supports for covering a parking space and of which not more than one side shall be enclosed by a wall or storage cabinet. (5/98)

**Cemetery:** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery. (5/98)

**Change of Use:** A change from one type of use of a building or land to another type of use. (5/98)

**Change of Use [Greenway]:** Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be

considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

Child Foster Home: Any home maintained by a person who has under the care of the person in such home any child under the age of 18 years not related to the person by blood or marriage and unattended by the parent or guardian for the purpose of providing such child's care, food and lodging. This use must have a current certificate of approval issued by the State of Oregon (6/99)

Church: See House of Worship. (5/98)

City: The City of Keizer, Oregon. (5/98)

Clinic: A facility operated by a group of physicians, dentists, or other licensed health practitioners on an out-patient basis and not involving overnight housing of patients. (5/98)

Club: An organization, group, or association supported by the members, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit. (5/98)

Commission: The Planning Commission of Keizer, Oregon. (5/98)

Common Open Space: An area, feature, building or other facility within a development intended for the use by the residents of the development. (5/98)

Community Building: A publicly owned and operated facility used for meetings, recreation, or education. (5/98)

Comprehensive Plan: The officially adopted City of Keizer Comprehensive Plan, as amended. (5/98)

Conditional Use: A use, which is permitted in a particular zone or elsewhere in this ordinance only after review and approval as a conditional use, including non-conforming" conditional uses. (5/98)

Condominium: A building or group of buildings, broken into separate units with each unit being separately owned, while the parcel on which the building(s) is located is held in a separate ownership. Condominiums are subject to the provisions of ORS 94.004 to 94.480, and 94.991. (5/98)

Conforming: In compliance with the regulations of the Code. (5/98)



Construct [Sign]: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

Conveyance [Flood]: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second. (5/98)

Corner Lot: See "Lot, Corner." (5/98)

Council: The City Council of Keizer, Oregon. (5/98)

Critical Feature [Flood]: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. (5/98)

~~Cultural Resource Inventory [Historical]: Historical buildings or sites placed on the historical resource inventory.~~ (5/98)

Day Care Facility: An establishment or place, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians. (5/98)

Decision: The formal act by which the Community Development Director, Hearings Officer, Planning Commission or City Council makes its final disposition of a land use action. (5/98)

~~Demolish [Historical]: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a resource landmark or any building within an historic district.~~ (5/98)

Density: The number of dwellings units per gross acre. (5/98)

Develop: To construct or alter a structure; or, to make alterations or improvements to land for the purpose of enhancing its value. (5/98)

Development: Man-made changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. (5/98)

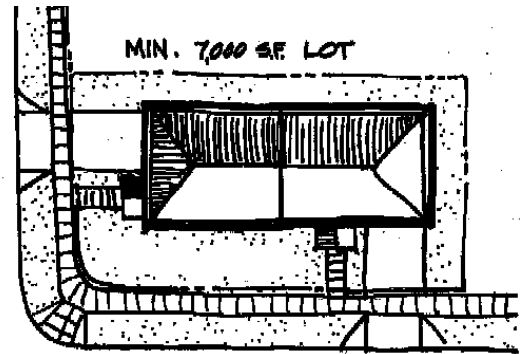
Development [Flood]: Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials. (5/98)

Dormitory: A building, under single management, where group sleeping accommodations are provided for in one room or in a series of closely associated rooms and where meals may be provided. (5/98)

Driveway: A private way used by vehicles and pedestrians to gain access from a public access or right-of-way onto a lot or parcel of land. (5/98)

Drop Station: Vehicles or structures of less than a total of 400 square feet maintained on a lot solely to provide shelter for no more than four types of recyclable material (such as paper, tin cans, plastic and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere. (5/98)

Duplex: See: "Dwelling, Two-Family (Duplex)." (5/98)



Duplex

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. (5/98)

Dwelling, Multi-Family: A building on a single parcel or lot containing 3 or more dwelling units designed for occupancy by 3 or more families living independently of each other. (5/98)

Dwelling, Single Family Detached: A detached building containing one dwelling unit designed exclusively for occupancy by 1 family. (5/98)

Dwelling, Townhouse: A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel. (5/98)

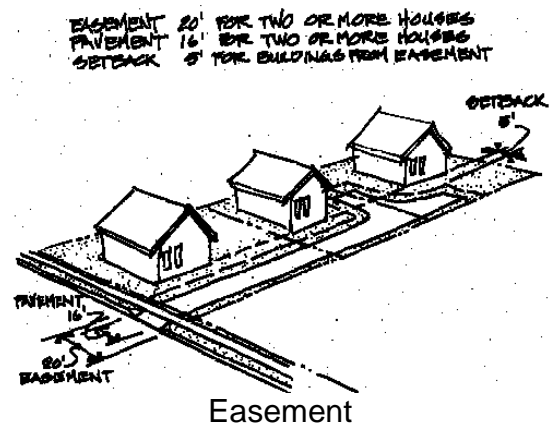
Dwelling, Two-Family (Duplex): A detached building on a single parcel or lot containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other. (5/98)

Easement: A grant of right to use an area of land for a specific purpose. (5/98)

Employees: All persons, including proprietors, performing work on a premise. (5/98)

Encroachment [Flood]: Any obstruction in the flood plain which affects flood flows. (5/98)

Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured



Easement

home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance. (5/98)

Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). (5/98)

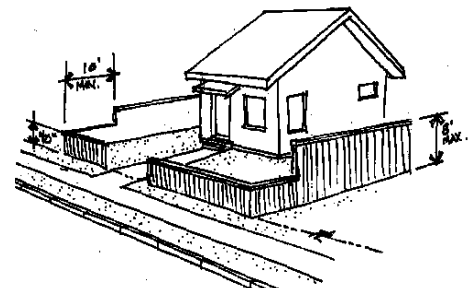
Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or a group of not more than 5 unrelated individuals, living together as a single housekeeping unit. (5/98)

Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider. (5/98)

Farming: The use of land for purposes defined in ORS Chapter 215. (5/98)

Federal Emergency Management Agency (FEMA) [Flood]: The federal organization responsible for administering the National Flood Insurance Program. (5/98)

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic. (5/98)



Fence

Fence, Sight Obscuring: A fence arranged or constructed to obstruct vision. (5/98)

Fill [Flood]: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc. (5/98)

Final Decision: A decision made in accordance with, and pursuant to, the provisions of this ordinance, or decisions made by the Land Use Board of Appeals or the Courts, after the applicable appeal periods have expired. (5/98)

Finish Ground Level [Sign]: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest. (5/98)

Flag Lot: See "Lot, Flag." (5/98)

Flashing Sign [Sign]: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use. (5/98)

Flood or Flooding [Flood]: A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source. (5/98)

Flood Boundary Floodway Map (FBFM) [Flood]: The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plan, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS). (5/98)

Flood Elevation Certificate (FEC) [Flood]: Certification by a professional surveyor or other authorized official indicating the height of the lowest floor of a building. (5/98)

Flood Insurance Rate Map (FIRM) [Flood]: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Keizer. (5/98)

Flood Insurance Study (FIS) [Flood]: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Keizer. (5/98)

Flood Plain [Flood]: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Keizer. (5/98)

Flood Proofing [Flood]: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area. (5/98)

Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation. (5/98)

Floodway Fringe [Flood]: The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge. (5/98)

**Floor Area:** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces. (5/98)

**Forest Use:** The use of land for the production of trees; the processing of forest products; open space; water sheds; wildlife and fisheries habitat; vegetative soil stabilization; air and water quality maintenance; outdoor recreational activities or related support services; wilderness; or, livestock grazing. (5/98)

**Free-Standing Sign [Sign]:** A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. (5/98)



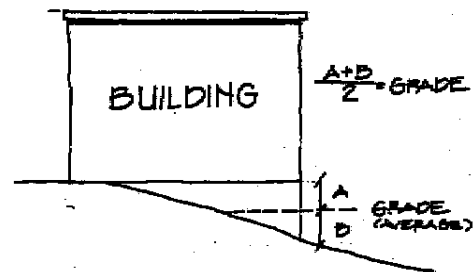
Free-Standing Sign

**Frontage:** That portion of a lot or parcel which abuts a public street. (5/98)

**Front Lot Line:** See "Lot Line, Front." (5/98)

**Garage:** A building, or portion of a building, used for the storage or parking of a vehicle. (5/98)

**Grade:** The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation. (5/98)



Grade

**Habitable Space:** A room or space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space. (5/98)

**Hazardous Material [Flood]:** Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment. (5/98)

Hearings Action: Those actions where opportunity for a public hearing of a land use action is provided by this Ordinance. (5/98)

Hearings Officer: The person(s) so designated by the Council to conduct a quasi-judicial public hearing for certain land use actions. (5/98)

~~Historic District [Historical]: A geographically definable area, the boundaries of which have been adopted by the Council under Section 2.125.04. (5/98)~~

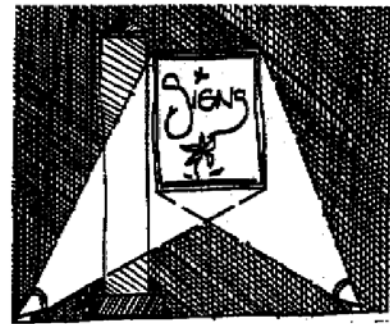
~~Historic Resource [Historical]: A site, object, building, or structure designated by the Council under Section 2.127.04.!~~

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Ordinance. Such term does not include the lease or rental of a dwelling unit, the rental of guest rooms on the same premises, or the operation of a day care facility. (5/98)

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms. (5/98)

House of Worship: A church, synagogue, temple, mosque, or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and a residence. (5/98)

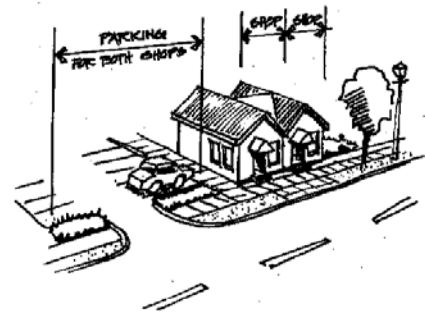
Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

Indirect Illumination [Sign]: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)

Infill Development: Residential infill development is development at densities allowed under existing zoning on vacant, or partially used land. Infill development occurs on lands which may have been by-passed in the urbanization process or which may have a use that could be or has been removed. (01/02)



Integrated Business Center - Small

Infill Development Parcel:

Any parcel that meets the criteria for an infill development parcel specified in Section 2.316.03.

(01/02)

Integrated Business Center [Sign]: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)



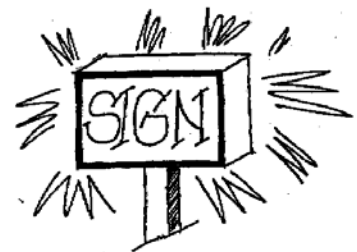
Integrated Business Center - Large

Intensification [Greenway]: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

Internal Illumination [Sign]: A source of illumination from within a sign. (5/98)

Joint Use Sign [Sign]: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)

Junk: The term "junk" regardless of value, includes but is not be limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply:



Internal Illumination

1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)
3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
4. "Waste tire" means a tire that is not longer suitable for its original intended purpose because of wear, damage, or defect. (5/98)
5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. (5/98)



Joint Use Sign

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise. (5/98)

Kennel: Any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training. (5/98)

Land Division: Any partition or subdivision of a lot or parcel. (5/98)

Land Use Action: An amendment to the City of Keizer Comprehensive Plan or this Ordinance, or a decision on a zone change, variance, conditional use, partitioning or subdivision, or administrative permits, including appeals from any of the foregoing decisions. Issuance of a building permit is not a land use action. (5/98)

~~Landmark [Historical]: Any site, object, buildings, or structure designated by the Council under the provisions of the Historical Landmark Overlay Zone. (5/98)~~

Landscaped: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways sculpture, trellises, and screens. (5/98)

Legislative Action: A land use action involving amendments to the Comprehensive Plan, the text of this Ordinance, or an amendment to the Comprehensive Plan map or Zoning map involving more than 5 separate property ownerships. (5/98)



Livestock: Domestic animals of types customarily raised or kept on farms for profit or food. (5/98)

Loading Space: An off-street space or berth on the same lot with a building, or group of buildings, used for the parking of a vehicle while loading or unloading merchandise, materials or passengers. Loading space excludes fire lanes, as they are not considered useable space for loading and unloading. (5/98)

Lot: A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning, subdivision ordinances; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning ordinances, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of:

1. Single lot of record;
2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record. (5/98)

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, and exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance. (5/98)

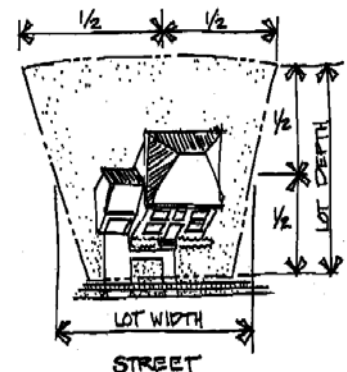
Lot, Corner: A lot abutting on two intersecting streets, other than an alley or private access easement, where the angle of intersecting streets is no greater than 135 degrees. (5/98)

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line. (5/98)

Lot, Flag: A lot or parcel of land with access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership. (5/98)

Lot, Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line. (5/98)

Lot, Interior: A lot other than a corner lot. (5/98)



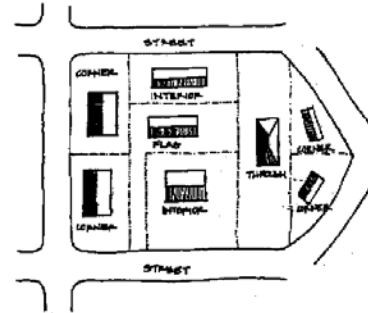
Lot Width and Depth

Lot Line, Front:

A lot line abutting a public street, private street, or access easement. In the case of a corner lot, through lot or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front line is based on the structure's orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or access easement); and/or
- c. Legal street address.

For flag lots and lots with access from an easement, the Zoning Administrator shall have the authority to designate another line as the front lot line in which case it shall be clearly noted on the final plat. (01/02)



Lot Types

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line. (5/98)

Lot Line, Side: Any property line which is not a front or rear lot line. (5/98)

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Marion County property records. (5/98)

Lot, Through: An interior lot having frontage on two streets. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. (6/07)

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (5/98)

Lowest Floor [Flood]: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (5/98)

Main Entrance: The principle building entrance intended for the use by the general public, employees or residences. A main entrance door may not be a door that is locked during normal business hours. This entrance is designated the address bearing entrance for the purpose of Emergency Responders. (5/98)

Major Public Improvement [Historical]: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property ~~within a district or~~ on a resource/landmark site, except for the repair or maintenance of existing public improvements. (5/98)

Manufactured Home: A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976. (5/98)

Manufactured Home [Flood]: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes mobile homes. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (5/98)

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on property under the same ownership, the primary purpose of which is to rent or lease space to any person, or, to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance. (5/98)

Manufactured home park or subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (5/98)

Marijuana Grow Site: A Marijuana Grow Site that is registered by the Oregon Health Authority Under ORS 475.304 or applicable state law at a specific location used by a grower to produce marijuana for medical use by specific qualifying patients. (10/14)

Marijuana Processor: A Marijuana Processor means a person who processes marijuana items in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Producer: A Marijuana Producer means a person who produces marijuana in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Retailer: A Marijuana Retailer is a person who sells marijuana items to a consumer in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Wholesaler: A Marijuana Wholesaler means a person who purchases marijuana items in this state for resale to a person other than a consumer and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Master Plan: A presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions. (5/98)

Mean sea level [Flood]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (5/98)

Medical Marijuana Facility or Facilities: A Medical Marijuana Facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 or other applicable state law and that sells, distributes, transmits, gives, dispenses or otherwise provides Medical Marijuana to qualifying patients. *In addition, as allowed by state law and applicable regulation only, "early sales" of recreational marijuana is permitted.\**

\*(THIS AMENDMENT SUNSETS ON DECEMBER 31, 2016 AND IS OF NO FORCE OR EFFECT AFTER SUCH DATE). (10/15)

Message Sign [Sign]: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature. (5/98)

Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with the storage of personal property. (5/98)

Mobile Food Vendor: A non-permanent use that typically is a truck, van, or trailer which have their wheels intact and have been outfitted to prepare and serve food. (9/16)

Mobile home [Flood]: A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by this Section. (5/98)

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC). (5/98)

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges. (5/98)



Multi-Faced Sign

Multi-faced Sign [Sign]: A sign which has 2 or more identical sign faces, contained in a single sign structure. (5/98)

Multi-family Dwelling [Sign]: A residential structure or complex of structures which include 3 or more separate dwelling units, whether rented or owned by the occupants. (5/98)

Mural [Sign]: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure, or, inside the window of a structure. (5/98)

Natural Register Resource: Buildings, structures, object, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

Neighborhood Activity Center: A use, or combination of uses, which is a common destination or focal point for community activities, including primary and secondary schools, neighborhood parks and playgrounds and shopping centers. (5/98)

Neighborhood Association: An association recognized by the City Council as being a Neighborhood Association in accordance with the Neighborhood Association Ordinance. (5/98)

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance. (5/98)

New Construction [Flood]: Structure(s) for which the start of construction commenced on or after the original effective date of the Floodplain Overlay Zone. (5/98)

Nonconforming Sign [Sign]: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (5/98)

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located. (5/98)

Notification Area: An area bounded by a line, parallel to the boundary of a subject lot. As used in this section "subject lot" includes not only the lot that is the subject of the proceeding for which notice is required, but also includes any contiguous lot in which any applicant or owner of the subject lot has either sole, joint, or common ownership, or an option to purchase, in whatever form. In the event that the application does not apply to the entire lot, the boundary of the notification area shall be measured from the lot line, not the boundary of the portion of the lot. (5/98)

Notification List: A certified list prepared by a Title Company, the Marion County Assessor's Office or the City which includes the names and addresses of all property owners within the notification area as shown in the County Assessor's records. (5/98)

Nudity or nude [Adult]: Being devoid of an opaque material covering the human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola and where such opaque material does not simulate the organ covered. (5/98)

Nursing Home: A home, place or institution which operates and maintains facilities providing convalescent and/or nursing care for period exceeding 24 hours. Convalescent care may include, but is not limited to, the procedures commonly employed in the nursing and caring for the aged and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS. (5/98)

Obstruction [Flood]: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property. (5/98)

Official Zoning Map: The map which indicates the zones in the City of Keizer. (5/98)

Original Jurisdiction: The authority and responsibility for rendering the first decision in a land use proceeding. (5/98)

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract. (5/98)

Owner [Sign]: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)

Parcel: A unit of land that is created by a partitioning of land. (5/98)

Parking Lot or Area: An open area, building or structure, other than a street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area. (5/98)

Parking Space: A designated space in a parking lot or area for the parking of one motor vehicle. (5/98)

Partial Harvesting of Timber [Greenway]: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe. (5/98)

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or,
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or,
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r). (5/98)

Pedestrian Circulation System: Pedestrian connection(s) between building entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties. (5/98)

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions. (5/98)

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways. (5/98)

Permit (noun): Any action granting permission to do an act or to engage in activity where such permission is required by this Ordinance. (5/98)

Permitted Use: Those uses permitted in a zone that are allowed without obtaining a conditional use permit. (5/98)

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit. (5/98)

Pet: A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, dogs, cats, birds and other small mammals and reptiles, but not including fowl, herd animals, pigs, goats or horses of any type or breed. (5/98)

Place of Public Assembly: Structure or place where 50 or more people gather which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity. (5/98)

Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan. (5/98)

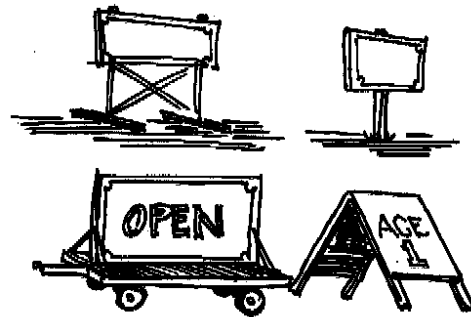
Planned Unit Development: A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance. (5/98)

Planning Commission: The Planning Commission of Keizer, Oregon. (5/98)

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition. (5/98)

Portable Sign [Sign]: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards.

Portable signs are not to be considered temporary signs as defined and used in this chapter. (5/98)



Portable Signs



Primary Building Façade:

Primary building façade means the side of a building that faces the street and has a main pedestrian entrance from the street. (01/02)

Professional Office: An office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, city or regional planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character. (5/98)

Property Line Adjustment: The realignment of a common boundary between two or more abutting lots or parcels which does not involve the creation of a new lot or parcel. (6/16)



Projecting Sign

Projecting Signs [Sign]: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure. (5/98)

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare. These may include, but are not limited to, water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas. (5/98)

Quasi-Judicial Review: A decision affecting land use within the City which requires the interpretation and/or amendment of existing standards or maps contained in this Ordinance. (5/98)

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements. (5/98)

Real Estate Sign [Sign]: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)

Rear Lot Line: See "Lot Line, Rear." (5/98)

Recreational Vehicle [RV Park]: A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. (5/98)

Recreational vehicle includes:

1. **Camping Trailer:** A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle. (5/98)

2. Motor Home: A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle. (5/98)
3. Travel Trailer: A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits. (5/98)
4. Truck Camper: A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pick-up truck. (5/98)
5. Boat, licensed or unlicensed, including trailer. (5/98)
6. All-terrain vehicle (ATV). (5/98)

Recreational vehicle [Flood]: A "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801-350, and 801-565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a Mobile Home (Flood), of this Section. (5/98)

Recreational Vehicle Park [RV Park]: Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles. (5/98)

Recreational Vehicle Space [RV Park]: The area under a parked and occupied recreational vehicle. (5/98)

Recycling Depot: A area used for the collection, sorting, and temporary storage of non-putrescible waste and discarded materials which are taken elsewhere to be re-used or recycled. This definition does not include drop stations. (5/98)

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes. (5/98)

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility. (5/98)

Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in

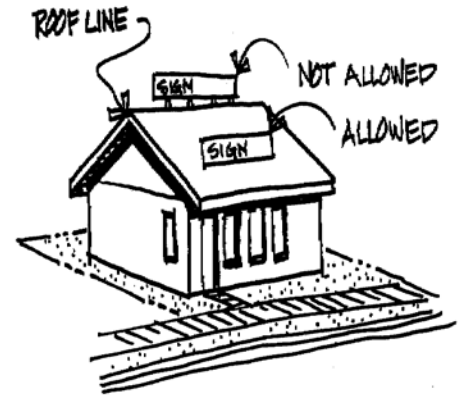
the number of facility residents, and need not be related to each other or to any resident of the residential facility. (5/98)

Resource [Historical]: A site, object, building, or structure designated by the Council under Section 2.127.04.

Retail Trade: The process of selling to the consumer for direct consumption and not for resale. (5/98)

Right-of-Way: The full length and width of a public street or way, planned or constructed. (5/98)

Roof Line [Sign]: Either the eaves of the roof or the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes. (5/98)



Roof Line & Roof Sign

Roof Sign [Sign]: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)

Rooming and Boarding House: A residential building or portion thereof with guest rooms, providing lodging, or lodging and meals, for 3 or more persons for compensation. (5/98)

Rotating/Revolving Sign [Sign]: A sign, all or a portion of which, moves in some manner. (5/98)

School, Elementary, Middle School, or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education. (5/98)

School, Trade or Commercial: A building where the instruction is given to pupils for a fee, which fee is the principal reason for the existence of the school. (5/98)

Scrap and Waste Materials Establishment: An business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper; brass, rope, rags, batteries, paper, rubber, or debris; waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts (except wrecking yards), iron, steel, or other old scrap metal or non-metal materials. Scrap and waste materials establishments does not include drop stations, solid waste transfer stations, or recycling depot. (5/98)

Semi-Public Use: A structure or use intended for a public purpose by a non-profit organization. (5/98)

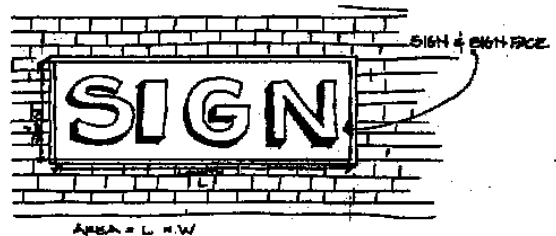
Serial additions, alterations or expansions: Two or more additions, alterations or expansions to the existing building gross floor area and/or impervious surface area within a 3-year time period. (12/03)

Service Station: A site and associated buildings designed for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul. "Major repair and overhaul", as used in this definition, shall be considered to include such activities at painting, bodywork, steam cleaning, tire recapping, and major engine or transmission overhaul or repair involving the removal of a cylinder head or crankcase. (5/98)

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure. (5/98)

Side Lot Line: See "Lot Line, Side." (5/98)

Sign [Sign]: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)



Sign Face

Sign Face [Sign]: Surface of a sign containing the message. The sign face shall be measured as set forth in Section 15.10(2). (5/98)

Sign Height [Sign]: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)

Sign Structure [Sign]: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

Site, Development, or Complex: A group of structures or other development that is functionally or conceptually integrated, regardless of the ownership pattern of the development or underlying land. (5/98)

Solid Waste Transfer Station: A fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building,



Sign Height

hopper, railroad gondola or barge. The term does not include a self-propelled compactor type solid waste collection vehicle into which scooters, pick-ups, small packers or other satellite collection vehicles dump collected solid waste for transport to a transfer, disposal, landfill or resource recovery site or facility. (5/98)

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant. This definition excludes individual lots within a subdivision. (5/98)

Special Permitted Use: A use which is a permitted use in a particular zone subject to compliance with the applicable standards of Section 2.400. (5/98)

Specified sexual activities [Adult]: Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a simulated state, or the characterization thereof in a printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (5/98)

Standard Industrial Classification (SIC): The document so entitled, published in 1987 by the Office Management and Budget, and used in this Ordinance to identify land uses. (5/98)

Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement. (5/98)

Start of Construction [Flood]:

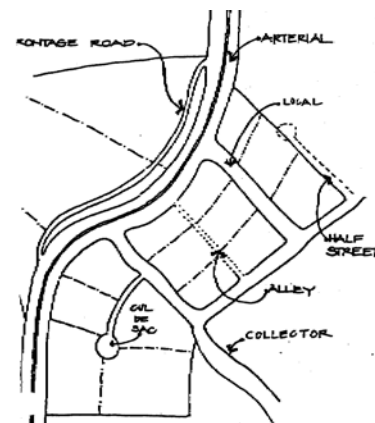
1. The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure. (5/98)
2. For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. (5/98)
3. For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or

manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed. (5/98)

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. Any basement, as defined herein, that is habitable shall be deemed a story for the purpose of administering all fire, life, safety codes including the Uniform Fire Code. (5/98)

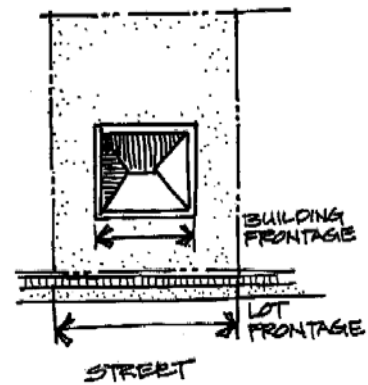
**Street:** The entire width between the boundary lines of every way of travel which provides for ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. Streets shall follow the locally adopted street designations. A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition. (5/98)

1. **Alley:** A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street. (5/98)
2. **Arterial:** A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City. (5/98)
3. **Collector:** A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties. (5/98)
4. **Cul-de-sac (dead-end):** A short street with one end open to traffic and the other terminated by a vehicle turn-around. (5/98)
5. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision of development. (5/98)
6. **Frontage Road, Marginal Access Road:** A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. (5/98)



Street Types

7. **Local Street:** A street intended primarily for access to abutting properties, but protected from through traffic. (5/98)
8. **Private Access Easement:** A right-of-way across private property granted by the property owner to owners of one or more lots and allowing vehicles access from a street or roadway to those lots. (5/98)



Street & Building Frontage

**Street Frontage [Sign]:** That portion of a property which abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

**Structural Alteration:** Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. (5/98)

**Structure:** That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. (5/98)

**Structure [Flood]:** Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground. (5/98)

**Subdivide:** To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property. (5/98)

**Subdivision:** All divisions of property which create four or more lots in a single calendar year. (5/98)

**Subject Property:** The lot or parcel that is the location of the proposed use or structure. (5/98)

**Substantial Improvement [Flood]:** Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50% of the market or assessed value of the structure before the start of construction of the improvement:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:

- a. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure. (5/98)

Substantial or significant portion [Adult]: More than 10 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 10 percent of the establishment's gross sales per month, whether wholesale or retail, or more than 10 percent of a film or video or live performance. (5/98)

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (12/03)

Temporary Sign [Sign]: A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. (5/98)

Temporary Use: A primary, secondary, or accessory use that occurs on a lot for less than 6 months in any calendar year, or a lesser period as prescribed by this Ordinance. (5/98)

Trailer (Travel or Vacation): See Recreational Vehicle. (5/98)

Transit Facilities: Transit related improvements including, but not limited to, bus pullouts, shelters, waiting areas, information and directional signs, benches and lighting. (5/98)

Transit Route: An existing or planned route for public intra-city or intra-urban transit service in the local or regional transit plan. Transit routes do not include temporary routes or routes which are planned to be replaced or relocated in the relevant plan. Transit routes are also referred to as transit streets and transit corridors. (5/98)

Transit Stop: Improvements and facilities at selected points along transit routes for passenger pick-up, drop-off, and waiting. Facilities and improvements may include



shelters, benches, pavement, sign structures and other improvements to provide security, protection from the weather and access to nearby services. (5/98)

Transit Street: All streets designated by the adopted Transportation Plan as a major or minor arterial street plus any street used as an existing bus route. (5/98)

Transmission Facility: High voltage power lines and related support structures used to convey electricity from a power generator facility to electric substations along a line or corridor. (5/98)

Transmission Towers: A single structure and related unoccupied buildings transmitting or relaying electronic signals to the surrounding area or along a communication corridor including radio and television transmitters and microwave relay station. (5/98)

Travel Trailer Parks: Recreational Vehicle Park. (5/98)

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County. (5/98)

Uniform Building Code (UBC): The code of building design and construction standards adopted by the City of Keizer. (5/98)

Use: The purpose for which land or a structure is designed, arranged or intended, or, for which it is occupied or maintained. (5/98)

Utility: See "Public Facilities and Services." (5/98)

Vanpool: A group from 5 to 15 commuters, including the driver, who share the ride to and from work or other destinations on a regularly scheduled basis. (5/98)

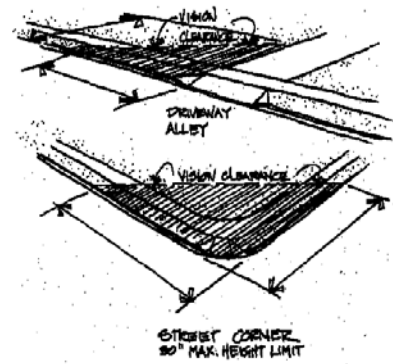
Vegetative Fringe [Greenway]: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

Vehicle: For purpose of this Ordinance vehicle shall have the same meaning as the definition in the rules and regulations of the Oregon Department of Transportation Driver and Motor Vehicle Division. (5/98)

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for domestic animals, including both pets and farm animals, under the direction of a licensed veterinarian. (5/98)

Vision Clearance Area: A triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance.

The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the face of the curb and extend at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (5/98)



Vision Clearance Area

Wall Sign [Sign]: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign. (5/98)



Wall Sign

Warehouse: A place for the safekeeping of goods and materials for an industrial or commercial enterprise (also see "Mini-Storage Warehouse"). (5/98)

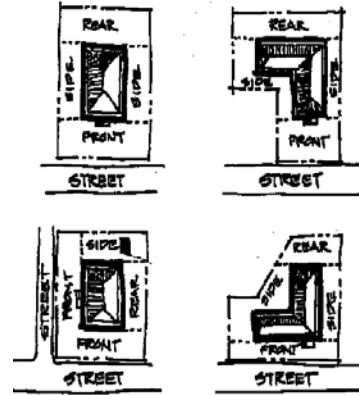
Water-Dependent [Greenway]: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. (5/98)

Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

Watercourse [Flood]: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain. (5/98)

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer. (5/98)

**Wrecking Yard:** Property used for the business of buying, selling or dealing in vehicles and parts for the purpose of wrecking, dismantling, disassembling and offering for sale a used vehicle or components, and is licensed under the laws of the State for that purpose. "Vehicles" include all means of transportation that are registered with the Department of Motor Vehicles. (5/98)



Yards

**Yard, Front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building. (5/98)

**Yard, Rear:** A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building. (5/98)

**Yard, Side:** A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building. (5/98)

#### **Zero Lot Line Wall:**

Zero lot line wall means any exposed building wall that is constructed along the lot line as part of a zero lot line development and is visible from the public right-of-way or access easement. This definition includes any building wall that may be part of a zero lot line development and set off the property line but closer to the property line than would normally be required by yard or setback requirements of the zone. (01/02)

**Zero Side Yard Dwelling Unit:** An attached or detached dwelling unit constructed contiguous to a side lot



Zero Side Yard Dwelling Unit

## **2.123 GREENWAY MANAGEMENT OVERLAY ZONE (GMO)**

### **2.123.01 Purpose**

The purpose of the GM (GREENWAY MANAGEMENT OVERLAY) Zone is to protect the natural, scenic, and recreation qualities of lands along the Willamette River in the City of Keizer; preserve and allow the restoration of historical ~~al-sites resources, structures, and facilities~~ along the Willamette River; implement the goals and policies of the State of Oregon's Willamette River Greenway Program; implement goals and policies of the City of Keizer's Comprehensive Plan; and establish standards and requirements for the use of lands within the Willamette River Greenway. (5/98)

### **2.123.02 Application**

The provisions of this overlay zone shall apply to all lands within the Willamette River Greenway Boundary of the City of Keizer as shown on the official zoning map. The boundary is shown in detail on aerial photomaps on file with the City of Keizer. The Zoning Administrator shall make interpretation of the exact location of the boundary from these photomaps. (5/98)

### **2.123.03 Definitions**

The following definitions shall be used in administering this overlay zone:

Change of Use: Making a different use of the land than that which existed on December 6, 1975. It includes a change that requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

Intensification: Any additions that increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use

and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

Partial Harvesting of Timber: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe. (5/98)

Vegetative Fringe: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

Water-Dependent: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. (5/98)

Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

## **2.123.04 Review of Uses**

Within the GM (GREENWAY MANAGEMENT OVERLAY) Zone, a conditional use permit shall be required for all use changes, intensification of uses or site alteration on land or water otherwise permitted in the underlying zone except for the following activities which are not subject to review in this overlay zone:

- A. Customary dredging and channel maintenance conducted under permits from the State of Oregon. (5/98)
- B. Seasonal increases in gravel operations as provided under permit from the State of Oregon. (5/98)
- C. The placing by a public agency of signs, markers, aids, etc. to serve the public. (5/98)
- D. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, identified in a public park master plan approved by the City Council. If the responsible agency did not hold a public hearing prior to plan adoption, the City shall hold a hearing under the procedures for a conditional use permit and make findings that the criteria in this Chapter are satisfied before approving a park plan. (5/98)
- E. Erosion control operations not requiring a permit from the Division of State Lands. (5/98)

- F. Farm uses. (5/98)
- G. Reasonable emergency procedures necessary for the safety or protection of property. (5/98)
- H. Maintenance and repair usual and necessary for the continuance of an existing use. (5/98)
- I. Landscaping, propagation of timber, construction of driveways, and the construction or placement of accessory structures other than guest houses, provided that such activities are conducted in conjunction with uses already existing on the same property, are accomplished in a manner compatible with the purpose of this zone, and are located at least 30 feet upland from ordinary high water unless unusual site conditions are present. Setbacks are to be established on a case-by-case basis through the Greenway Development Conditional Use process. (5/98)
- J. The partial harvesting of timber in accordance with a plan approval under the Forest Practices Act on lands upland beyond the vegetative fringe. (5/98)
- K. Water intakes and utilities in conjunction with an agricultural use and single-family residences. (5/98)

## **2.123.05 Process**

- A. Application Process. A conditional use for development within the Greenway Management Overlay Zone shall be reviewed as a Type I-B action. The conditional use may be processed independently or in conjunction with other land use actions required for development of the property. (5/98)
- B. Additional Information. In addition to the submittal requirements for a conditional use application, the applicant shall supply the following:
  - 1. Plot plan showing the following:
    - a. The area of the proposed use or activity. (5/98)
    - b. The proximity of the activity to the Willamette River at low and high water level and the location of the top of the terrace bank. (5/98)
    - c. The location of any existing vegetative fringe along the riverbank or other significant vegetation. (5/98)
  - 2. Statements, drawings, or photos of the proposed external appearance of proposed activity as viewed from the river. (5/98)
  - 3. Statements demonstrating compliance with the provisions of this zone. (5/98)

4. Any additional information determined by the Zoning Administrator to be necessary to demonstrate compliance with this zone. (5/98)

## **2.123.06 Review Standards and Criteria**

A conditional use permit within the Greenway Management Overlay Zone, shall indicate how: (a) the proposal will not affect the following factors; (b) the proposal can be mitigated in some manner to minimize or eliminate potential harmful impacts; or, (3) the factors do not apply to the request. The factors include: (5/98)

- A. Significant fish and wildlife habitats, significant natural and scenic areas, viewpoints and vistas identified in the Comprehensive Plan shall be preserved. (5/98)
- B. Areas of ecological, scientific, historical or archeological significance identified in the Comprehensive Plan shall be protected, preserved, restored, or enhanced to the maximum extent possible. (5/98)
- C. The quality of the air, water, and land resources in and adjacent to the Greenway shall be preserved in the development, change of use or intensification of use of land within the Greenway Management Zone. (5/98)
- D. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions. (5/98)
- E. The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river. (5/98)
- F. Only partial harvesting of timber shall be allowed. It shall be conducted in a manner consistent with the requirements under the Forest Practices Act. Wildlife habitat and the natural scenic qualities of the Greenway shall be maintained or be restored. The extent or type of harvest shall be limited as necessary to satisfy the appropriate standards and criteria in this subsection. Harvesting shall only occur beyond the vegetative fringe. (5/98)
- G. The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area. (5/98)
- H. Areas considered for development, change, or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone. (5/98)
- I. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety and to guarantee necessary reclamation. (5/98)

- J. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property. (5/98)
- K. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable. (5/98)
- L. Except for water-related and water-dependent buildings and structures, buildings and structures shall be located 30 feet or more upland from the ordinary high water line unless it can be shown that the parcel size makes meeting this requirement impossible, or significant natural features would be lost if the standard is met. (5/98)
- M. Public access to and along the river shall be provided in conjunction with subdivision, commercial and industrial development, and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property. (5/98)
- N. The development shall be directed away from the river to the greatest possible extent. (5/98)
- O. The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river. (5/98)
- P. Private docks and wharves shall be limited to one per property ownership, and shall be limited to 150 square feet of gross area per property served. Walkways to the dock or wharf shall be not more than 5 feet wide. Covered storage facilities shall not extend more than 10 feet above water level and shall be designed and painted to blend into the natural environment as much as possible. (5/98)
- Q. Comply with the floodplain or floodway development requirements of this Ordinance. (5/98)

### **2.123.07 Notice of Decision**

Notice of Decision approving conditional uses in the Greenway Management Overlay Zone shall be sent to the Division of Parks and Recreation in the same manner as required in Section 3.204, except notice shall be provided by certified mail. (5/98)



## **2.127 HISTORICAL ~~RESOURCES~~ LANDMARK OVERLAY ZONE (HLO)**

### **2.127.01 Purpose**

The purpose of this ~~Chapter~~Overlay Zone is to:

- A. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the preservation, restoration and protection of those buildings, structures, sites, ~~districts~~, and objects of historic interest within the city; (5/98)
- B. Foster civic pride in the accomplishments of the past; and (5/98)
- C. Carry out the provisions of the Land Conservation and Development Commission Goal 5. (5/98)
- D. To protect National Register Resources, regardless of whether the resources have been formally designated through the process described in Section 2.127.04.

### **2.127.02 Conformance Required**

No land shall be used, and no building, site, object, ~~district~~, or structure of significance, or part thereof, shall be demolished, moved, or altered, nor shall any new construction take place within ~~a resource area~~ ~~district or on a~~ resource ~~landmark~~ site except in conformity with this ~~Chapter~~ordinance. (5/98)

### **2.127.03 Definitions**

The following definitions shall apply to this Section: ~~otherwise:~~

Alteration: A change, addition, or modification to the exterior of a building. (5/98)

~~Cultural Resource Inventory: Historical buildings or sites placed on the historical resource inventory.~~ (5/98)

Demolish: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a resource ~~landmark or any building within an resource area~~ ~~historic district~~. (5/98)

Historic Resource District: A ~~geographically definable area, site, object, buildings, or structure designated by the Council~~ ~~the boundaries of which have been adopted by the Council~~ under Section 2.1257.04. (5/98)

~~Landmark: Any site, object, buildings, or structure designated by the Council under Section 2.1257.04.~~ (5/98)

Major Public Improvement:. The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property ~~within a district or~~ on a resource~~landmark~~ site, except for the repair or maintenance of existing public improvements. (5/98)

National Register Resource: ~~B~~buildings, structures, objects, sites, ~~or districts or districts~~ listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

## **2.127.04 Resource~~Landmark and District~~ Designation**

- A. Process. The process for designating a resource~~landmark or historic district~~ may be initiated by the Council, the Planning Commission, or by the owner of the subject property~~any interested person~~ who submits an application for designation to the Zoning Administrator. ~~At the time of application the Zoning Administrator shall provide the property owner and applicant with information regarding the benefits and restriction of designation.~~ (5/98)
- B. Information. The following information shall be required in a property owner application:
1. The ~~applicant's property owners'~~ name and address (all owners must sign the application); (5/98)
  - ~~2. The owner's name and address, if different from the applicant, together with written consent of the property owner;~~ (5/98)
  23. A written description of the boundaries ~~and/or of the proposed district or~~ the location of the proposed resource~~landmark~~; (5/98)
  34. A map illustrating the boundaries ~~and/or of the proposed district or~~ the location of the proposed resource~~landmark~~; (5/98)
  45. A statement explaining the following: (5/98)
    - a. The reason(s) why the proposed resource~~district or landmark~~ should be designated; (5/98)
    - b. The reason(s) why the boundaries of the proposed resource~~district~~ are appropriate for designation; (5/98)
    - c. The potential impact, if any, which designation of the proposed resource~~district or landmark~~ would have on the residents or other property owners in the area. (5/98)

6. Any other information deemed necessary by the Zoning Administrator.  
(5/98)
- C. Council Action. Applications for Historic Resource designation or removal of designation shall be reviewed in accordance with the Type II-B review procedures specified in Section 3.202.04. ~~Within seven days of receipt of a complete an application being deemed complete, the Zoning Administrator shall forward the request to the Council.~~ The Council shall hold a public hearing within 45 days of receipt of the application pursuant to Keizer Development Code Section 8 3.206.04 of this ordinance. The Council shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. Approvals designating a resource landmark or historic district shall be in the form of an Ordinance. (5/98)
- D. Decision FactorsCriteria. The Council shall consider the following factorseriteria in determining whether to approve a proposed resource landmark or district: (5/98)
1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation; (5/98)
  2. Association with an event that has made a significant contribution to the city, county, state, or nation; (5/98)
  3. Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation; (5/98)
  4. Significance as an example of a particular architectural style, building type and/or convention; (5/98)
  5. Significance due to quality of composition, detailing, and/or craftsmanship; (5/98)
  6. Significance as an example of a particular material and/or method of construction; (5/98)
  7. Significance because the resource retains its original design features, materials, and/or character; (5/98)
  8. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction; (5/98)
  9. Significance as a visual resource landmark; (5/98)
  10. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented; (5/98)

11. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community; (5/98)
12. Significance because the property is 50 years old or older in conjunction with other factorcriteria listed above; (5/98)
13. The resource is listed on the National Register of Historic Places. (5/98)

Not all factors must be present and the Council in its discretion may give more weight to certain factors as it may determine.

- E. Removal of Designation. The process for removing a resource~~landmark or historic district~~ designation may be initiated by the Council, the Planning Commission, or by the property owner~~any interested person~~ who submits to the Zoning Administrator an application for removal of the designation. The Council may amend or ~~remove~~rescind its designation by following procedures required by this Chapter~~ordinance~~ for designating a resource~~landmark~~, including the adoption of appropriate findings. (5/98)

- F. Property Owner Refusal to Consent. ~~A~~The property owner may refuse to consent to historic designation at any point during the designation process described above. Refusal to consent must be provided in writing or must be provided on the public record at any hearing pertaining to the request for designation. Such refusal to consent shall immediately remove the property from any consideration for historic property designation.

- ~~F. —Property Owner Refusal to Consent. The property owner may refuse to consent to historic designation at any point during the designation process described above. Refusal to consent must be provided in writing or must be provided on the public record at any hearing pertaining to the request for designation. Such refusal to consent shall immediately remove the property from any consideration for historic property designation.~~

## **2.127.05 Demolition and Moving**

- A. Planning Commission ~~Zoning Administrator~~ Approval. No person shall move, demolish, modify, or cause to be demolished any National Register Resource or locally designated resource~~landmark or a significant resource in an historic district~~, unless a permit to do so has first been obtained from the Zoning Administrator. Application for a permit shall be on a form provided by the Zoning Administrator and contain information deemed necessary by the Zoning Administrator. In no case, may a permit be issued for at least 120 days from: (5/98)

1. The date of a property owner's refusal to consent to ~~historic~~-resource designation ~~(as outlined in section 2.127.04.F)~~, or

2. The date of an application to demolish or modify the resource or

3. The date of an application for removal of the designation as outlined in in Section 2.127.04.E.

- B. Review Process. ~~Upon receipt of a completed application, the Zoning Administrator may issue a permit for moving or demolition if the resource is located within a designated historic district and is classified as a resource that does not contribute to the character of the district. All other requests shall be included on the agenda for consideration at the next available Planning Commission meeting.~~ Application for a permit shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. The Planning Commission shall hold a public hearing pursuant to Section 8 of this ordinance within 45 days after the Community Development Department has received a completed application pursuant to Keizer Development code Section 3.206.04. (5/98)
- C. Decision ~~Factors~~Criteria. The Planning Commission shall review plans, drawings, and photographs submitted by the application, and other information presented at the public hearing concerning the proposal. In determining whether the requested demolition or moving is appropriate, the Planning Commission shall consider the following: (5/98)
- ~~1. Plans, drawings, and photographs submitted by the applicant;~~ (5/98)
- ~~2. Information presented at the public hearing concerning the proposal;~~ (5/98)
13. Provisions of the applicable Comprehensive Plan; (5/98)
24. The purpose of this ~~Chapter ordinance~~ as set forth in ~~Section 1~~; (5/98)
35. The ~~factor~~criteria used in the original designation of the resource; (5/98)
46. ~~If within an historic district, The historic integrity, age, design or construction rarity, and historic significance of the resource. In addition, If located within an historic district, the resource's contribution to the continuity or historic character of the street, neighborhood, and/or community district and the subsequent integrity of the district if the resource is demolished or moved;~~ (5/98)
57. Whether denial of the request will involve substantial hardship to the applicant; (5/98)
68. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this Chapter ordinance; (5/98)

79. The value to the community, economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it; and (5/98)

810. The physical condition of the resource. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine.

- D. Planning Commission Approval. The Commission may approve the demolition or moving request after considering the factorseriteria in this section. If approved, and if no appeal is filed, the Zoning Administrator shall issue the permit in compliance with all other applicable laweodes and ordinances of the county. (5/98)
- E. Planning Commission Denial. The Commission may disapprove the demolition or removal request ~~if~~ after considering the factorseriteria in this section if it determines that, in the interest of preserving historical or architectural values, the resource should not be demolished or moved. (5/98)
- F. Planning Commission Postponement.

1. The Commission may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the Commission ~~as follows:~~ (5/98)

~~1. For landmarks, that is~~ no more than 60 days following the date of public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of application or initiationhearing, if the Commission makes the findings specified in subsection ~~(F)(2)e)~~ of this section. (5/98)

~~2. For a resource located in an historic district, no more that 120 days following the date of public hearing. Further postponement may be made for a period not to exceed 90 days, with the total postponement not to exceed 210 days from the date of hearing, if the Commission makes the findings specified in subsection (c) of this section.~~ (5/98)

23. Further postponements as stated above may only be made if the Commission finds: (5/98)

- a. There is a program ~~of or~~ project underway that could result in public or private acquisition of the ~~landmark or~~ resource; and (5/98)
- b. There is a reasonable ground for believing the program or project may be successful. (5/98)

34. After granting a further postponement, the Commission may order the Zoning Administrator to issue the permit if it finds: (5/98)

- a. All programs or projects to save the resource have been unsuccessful; (5/98)
- b. The application for demolition or moving has not been withdrawn; ~~and~~ (5/98)
- c. The application otherwise complies with ~~federal~~ county ordinances and state law; ~~and~~; (5/98)
- d. The application should be approved considering the factors set forth in Section 2.127.05.C.

G. Appeals. A decision by the Commission to approve, disapprove or postpone issuance of a demolition or moving permit or to grant a further postponement may be appealed to the Council by any aggrieved party who appeared orally or in writing, in person, or through an attorney at the Commission hearing and presented or submitted testimony related to the request under consideration. The appeal shall comply with the requirements in Section 3.207. (5/98)

~~H. Final Decision. If the Commission within the periods specified above makes no decision on the application, the Zoning Administrator shall issue the permit.~~ (5/98)

H. Alternative Actions. At the time a demolition or moving application is made, the Zoning Administrator shall review alternatives to demolition or moving with the owner of the resource, including local, state and federal preservation programs. (5/98)

I. Additional Requirements. During a period of postponement, the Commission may require the property owner to:

- 1. List the resource for sale with a real estate agent for a period of not less than 90 days. ~~The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days over a 5-week period.~~ (5/98)
- 2. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign, which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with No. 1.; above. (5/98)



3. Prepare and ~~make~~ available any information related to the history and sale of the property to all individuals, organizations, and agencies that inquire. (5/98)
4. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource. (5/98)

JK. Press Notification. Prior to issuance of a demolition permit, the Zoning Administrator shall issue a press release to local and state newspapers of general circulation in the county. The press release shall include, but not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource. (5/98)

KL. Permit Conditions. As a condition for approval of a demolition permit, the Commission may:

1. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the ~~city~~county or other party determined appropriate by the Commission. (5/98)
2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. ~~The applicant shall be provided with a list of persons capable of salvaging the resource.~~ (5/98)

LM. Dangerous Building. This ~~Chapter~~ordinance shall not be construed to make it unlawful for any person, without prior approval of the Commission, to comply with an order ~~by the Board~~ to remove or demolish any ~~resource~~landmark determined ~~by the Board~~ to be dangerous to life, health, or property. (5/98)

## **2.127.06 Exterior Alteration and New Construction**

- A. Scope. No person shall alter a ~~designated landmark or any significant~~ resource ~~in an historic district~~ nor shall any new building or structure be constructed ~~on an~~ in an historic district or on a landmark resource site unless approval is first obtained under this section. In addition, no major public improvements shall be made on a resourcelandmark site ~~or in an historic district~~ unless approved by the Commission. (5/98)
- B. Application Process. Application for alteration of a resourcelandmark or new construction ~~is an historic district or on a landmark resource~~ site shall be made to the Zoning Administrator. The application shall be on a form provided by the Zoning Administrator and shall contain information deemed necessary by the Zoning Administrator. (5/98)



~~C. Approval Requirements. The Zoning Administrator shall approve the alteration request if:~~

- ~~1. There is no change in the appearance or material of the resource as it exists; or (5/98)~~
- ~~2. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials. (5/98)~~

~~CD.~~ Planning Commission Action. Applications for alteration of a resource or new construction shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. If a request for alteration does not meet the provisions of Section 2.127.06.C subsection (3) of this section, the Zoning Administrator shall forward the application to the Commission. The Commission shall hold a public hearing pursuant to Keizer Development Code Section 3.206.04, after notice and public hearing held in accordance with Section 2.127.07 this Ordinance, The Commission shall approve or disapprove issuance of the requested permit. The Commission may attach conditions to the approval, which must be adhered to for the approval to remain valid. (5/98)

~~DE.~~ Decision ~~Factors~~Criteria. The Commission shall consider the following ~~factor~~criteria in determining whether to approve an alteration request: (5/98)

1. The purpose of this ~~Chapter~~Ordinance; (5/98)
2. The provisions of the applicable Comprehensive Plan; (5/98)
3. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource; (5/98)
4. The value and significance of the resource; (5/98)
5. The physical condition of the resource; (5/98)
6. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, color, texture, and/or materials; (5/98)
7. Pertinent aesthetic factors as identified by the Commission; (5/98)
8. Economic, social, environmental and energy consequences of the proposed alteration; and (5/98)
9. Any design guidelines adopted by the Commission. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine.

- EF. Repair and Maintenance Provisions. Nothing in this ~~section~~ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the Zoning Administrator shall determine is required for the public safety due to an unsafe or dangerous condition. (5/98)

## 2.127.07 — Notice and Public Hearing

A. — Notice. Within 45 days of receipt of a complete application for designation, alteration, demolition or moving of a resource landmark, or for undertaking such activities or new construction in a resource area historic district, the Commission shall conduct a public hearing to consider the application. (5/98)

B. — Application Process. The hearing shall be conducted as a Type II hearing and subject to the notice, procedural and appeal provisions in Section 3.2075. (5/98)

## 2.408 BED AND BREAKFAST ESTABLISHMENT

Where permitted as a special use, Bed and Breakfast establishments shall meet the following use and development standards. (5/98)

- A. Location and Access. The property containing a bed and breakfast establishment shall front a designated collector or arterial street. Access to the property shall be limited to the designated collector or arterial. Alternatively, the establishment may be located within any dwelling designated as a historical ~~site resource~~. in the Comprehensive Plan. (5/98)
- B. Rooms. The maximum number of guest rooms shall be 4 for homes within the RS zone and 6 for homes in other zones. (5/98)
- C. Owner Occupancy. The property owner or manager shall reside on the property. (5/98)
- D. Signs. Signs shall comply with provisions in Section 2.308. (5/98)
- E. Parking. Off-street parking for the guest rooms shall be screened from the street and adjacent property by a 6 foot high sight-obscuring fence or hedge. (5/98)

## **2.431 NURSING AND PERSONAL CARE FACILITIES**

### **2.431.01 Overview**

Residential Care Facilities that are over 15 residents, or uses that are listed in SIC 805 (Nursing and Personal Care Facilities) are uses that provide limited medical care, nursing and personal care where the patients reside at the facility. An application to place this type of facility is processed as a conditional use permit, however the application shall be reviewed directly by the Planning Commission. (06/11)

### **2.431.02 Review Procedure**

The procedure for approving a Conditional Use Permit for these types of uses is set forth in Section 3.101.03(B). The application is a Type II – **CB** action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (06/11)

### **2.431.03 Submittal Requirements**

The applicant shall submit evidence addressing the criteria set forth below in addition to the requirements in Section 3.103, and all other submittal requirements as outlined in Section 3.201. (06/11)

### **2.431.04 Criteria**

Where permitted as a conditional use, in addition to the requirements in Section 3.103, shall meet the following criteria: (06/11)

- A. Need for the facility at the proposed location shall be identified. (06/11)
- B. If determined, as noted in Section 2.301, to be warranted a traffic impact analysis shall be provided and proposed measure(s) to mitigate any impact(s) on surrounding properties and streets shall be identified. (06/11)
- C. A facility shall have access provided to an arterial street. (06/11)
- D. As conditioned, the facility will not unreasonably impact existing or planned uses in the neighborhood of the subject property. (06/11)
- E. A facility will be required to provide adequate buffering and screening to mitigate any impacts on adjacent properties. (6/11)

The Planning Commission has the authority to determine whether the application satisfies the applicable criteria. An application may be approved, approved with conditions, or denied. (6/11)

## **2.432 COTTAGE CLUSTER DEVELOPMENT**

### **2.432.01 Purpose and Design Principles**

This Section establishes standards for cottage cluster development as an alternative development type that provides usable common open space in residential development; allows for a variety of housing types both detached as well as attached; promotes interaction and safety through design; ensures compatibility with surrounding neighborhoods; and provide opportunities for creative infill development. It is intended to be a flexible development alternative similar to the planned unit development alternative whereby many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features. Successful cottage cluster development projects can foster community and ensure a balance between privacy, security and neighborhood interactions through careful consideration of the following design principles: (6/14)

- A. Shared Open Space and Active Commons. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight, thereby enhancing a sense of security and identity. (6/14)
- B. Common Buildings. An advantage of living in a cottage development is being able to have shared buildings such as a tool shed, outdoor barbeque, or picnic shelter or a multipurpose room. (6/14)
- C. Adequate Parking that does not dominate. Parking areas should be screened from adjacent parcels and adjoining public streets. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes. (6/14)
- D. Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space are important to creating strong community connections. (6/14)
- E. Smaller, High-Quality, Well-Designed Dwellings. Smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood.(6/14)

## **2.432.02 Permitted Building Types Within Cottage Cluster Developments**

- A. Cottage cluster development cottages (Section 2.432.04.A). (6/14)
- B. Two-unit structures (Section 2.432.04.B). (6/14)
- C. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use (Section 2.432.04.C). (6/14)
- D. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.D). (6/14)
- E. Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking and storage buildings. However, they shall not be permitted within common area. (6/14)

## **2.432.03 Site Requirements**

- A. Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.
- B. Development Standards
  - 1. Parent parcel. The parent parcel, which shall encompass the entire cottage cluster development, shall be at least 30,000 square feet. The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city's regulations. (6/14)
  - 2. Cottage lots. There is no minimum lot size for the individual cottage lots.
  - 3. Density. The standards from the base zone shall apply. (6/14)
  - 4. Average Minimum Lot Width and Depth. There is no minimum lot width or depth for the individual cottage lots. (6/14)
  - 5. Maximum Lot Coverage. There is no maximum lot coverage for the individual cottage lots. (6/14)
  - 6. Maximum Height. Twenty-five (25) feet. (6/14)

7. Minimum Setbacks (6/14)

Table 2.432-1 (6/14)

SETBACKS	
Front	15 feet
Side	5 feet
Rear	10 feet
Street-side	10 feet
Garage entrance	20 feet

\*Interior units on a common lot or separate lots shall be spaced at least 10 feet apart. If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy. (6/14)

8. Minimum Landscape Requirement. The standards from the base zone shall apply. (6/14)

C. Lot/cottage arrangement (6/14)

1. Cottage cluster developments shall contain a minimum of four cottages and no more than allowed in the underlying zone by density. (6/14)
2. Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space. (6/14)
3. Units along the public right-of-way should have their primary entrance facing the public right-of-way. (6/14)
4. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development. (6/14)

D. Private and common space. (6/14)

1. Common Space. (6/14)
  - a Common space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of common open space per unit shall be provided. (6/14)
  - b The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area. (6/14)
2. Private Space. (6/14)
  - a A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit. (6/14)

E. Frontage, access, parking, and vehicular circulation. (6/14)

1. Frontage. The parent parcel shall have frontage on a public street. (6/14)
2. If individual lots are created within the development, each lot shall abut a common area, but is not required to have public street frontage. (6/14)
3. Access. Access to individual dwelling units will be provided meeting city and fire district standards. (6/14)
4. Parking. A minimum of two off street parking spaces per unit shall be provided. (6/14)
5. Parking and/or garage structures shall be located behind or to the side of the residential area and open space. (6/14)
6. Parking areas, shared parking structures, and garages shall be screened from public streets by landscaping or architectural screening. (6/14)
7. If the property has frontage on a public alley, access and parking may be provided from the alley. (6/14)
8. If individual lots are created, parking and access shall be provided in a common area with access easement. (6/14)

F. Screening and Landscaping. (6/14)

To ensure that cottage developments do not create adverse visual impacts for residents of both the cottage development and adjacent properties the following requirements shall be adhered to: (6/14)

1. Where feasible, cottage developments should be designed to retain existing significant trees (at least twelve inches in diameter) that do not pose a safety hazard. (6/14)
2. Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. (6/14)
3. Landscaping Plan to be submitted and approved. Boundaries between cottage developments and neighboring properties shall be screened with landscaping and fencing as identified in 2.432.03.G.2 in order to reduce the appearance of bulk or intrusion onto adjacent properties or may be otherwise treated through increased building setbacks or architectural techniques to meet the intent of this section. (6/14)

Additional screening and buffering may be required to help mitigate any compatibility issues between the cottage cluster development and adjacent properties. (6/14)



G. Fences. (6/14)

1. No fence taller than 3 feet in height shall be located between the front wall of a cottage or community building and the common open space. (6/14)
2. A 6 foot high sight obscuring fence shall be placed along the property line adjacent to any residential single family use. (6/14)

H. Utilities. (6/14)

1. Streets. Street improvements shall be required for all cottage cluster developments that contain 4 or more dwelling units. Street improvements may include street widening, curb, gutters, and sidewalks. All street improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)
2. Water. An individual water meter servicing each dwelling unit will be required unless there is an ownership association or the property is under a single ownership in which case a single water meter servicing an individual building of multiple units is allowed. All water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)
3. Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots. All sanitary sewer design and construction shall comply with the standards of the City of Salem. (6/14)
4. Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or extended in a utility easement to individual lots. (6/14)
5. Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation. In addition, a trash and recycling plan will be required. (6/14)
6. Mailboxes. Mailboxes are subject to post office requirements. (6/14)
7. Storm water. The development of the property shall comply with all city regulations regarding storm water drainage including on-site detention and water quality requirements. All storm water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)

- I. Addressing. All units within the cottage cluster development shall be addressed consistent with city standards. (6/14)

## **2.432.04 Building Requirements**

- A. Cottages. (6/14)
  1. Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. An attached one-car garage is not included in this maximum, but shall not exceed 300 square feet per unit. (6/14)
  2. Porches. Attached, covered porches are required and shall have minimum depth of 6 feet and shall be a significant feature of the structure. (6/14)
  3. Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. Cottage development structures shall provide for substantial exterior architectural elements that are consistent with traditional northwest cottage design and small home craftsmanship design elements. Roofs of cottage developments shall have eaves to efficiently shed rain and provide protection for exterior walls. (6/14)
  4. Height. Cottages shall comply with the height limitation of 25 feet and are limited to a maximum of single story plus a loft. (6/14)
  5. Street facing facades. The street facing facades of cottages in a cottage development shall avoid blank walls that appear to “turn their backs” to the street. This shall be avoided by providing design features such as windows, change in building material, entryway, porches or other design features. (6/14)
- B. Two-Unit Structures in RS zone. (6/14)
  1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages. (6/14)
  2. Attached two-unit structures shall have one primary shared entry facing the common open space. (6/14)
- C. More than two-units structures in other zones. (6/14)
  1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages. (6/14)
  2. Attached structures with more than two units shall have one primary shared entry facing the common open space. (6/14)

- D. Community Buildings. (6/14)
1. Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. (6/14)
  2. A community building shall be of similar scale, design, and height as the cottages. (6/14)
  3. Commercial uses are prohibited in the community building. (6/14)
- E. Accessory Structures. (6/14)
1. Accessory structures such as garages, carports, storage or tool sheds shall not exceed 300 square feet per unit, or 600 square feet per accessory structure that is shared by two or more dwelling units. (6/14)
  2. The design of accessory structures must be similar or compatible with that of the cottages in the development. (6/14)
- F. Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased. (6/14)
- G. Renovation and Expansion. (6/14)
1. Renovations shall be in keeping with the size and architectural character of the new development. (6/14)
  2. A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this Section shall be recorded against the property. (6/14)

## **2.432.05 Submittal Requirements**

- A. Application Process. Applications for all cottage cluster development, with or without the creation of any lots shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section. (6/14)
- B. Submittal Material. The following submittal requirements shall apply to all applications for a cottage cluster development. (6/14)
1. All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (6/14)

2. Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (6/14)
- a. Appropriate identification stating the drawing is a preliminary plan. (6/14)
  - b. North point, scale and date. (6/14)
  - c. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (6/14)
  - d. Assessor Map and tax lot number of subject property. (6/14)
  - e. The property lines and approximate area of the subject property. (6/14)
  - f. Dimensions and size in square feet or acres of all proposed parcels. (6/14)
  - g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (6/14)
  - h. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application. (6/14)
  - i. Name of the proposed cottage cluster development. (6/14)
  - j. Date the drawing was produced. (6/14)
  - k. Vicinity sketch showing location of the proposed land division. (6/14)
  - l. Identification of each lot or parcel and block by number. (6/14)
  - m. Gross acreage of property being subdivided or partitioned. (6/14)
  - n. Direction of drainage and approximate grade of abutting streets. (6/14)
  - o. Streets proposed and their names, approximate grade, and radius of curves. (6/14)
  - p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (6/14)
  - q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (6/14)

- r. All areas to be offered for public dedication. (6/14)
  - s. Elevations of buildings showing materials, colors and design of buildings to be constructed and how they will be compatible with adjacent residences. (6/14)
- C. Supplemental Information. The following supplemental information shall be required for all applications: (6/14)
  - 1. Calculations justifying the proposed density of development. (6/14)
  - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (6/14)
  - 3. The approximate location and dimensions of all structures proposed to be located on the site. (6/14)
  - 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and the proposed timing for such improvements. (6/14)
  - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (6/14)
  - 6. Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code. (6/14)

## **2.432.06 Review Procedures**

- A. Cottage cluster development in RM, RL, RH, and MU zones without creating any new lots is subject to meeting the standards in Section 2.432. Cottage cluster development proposals in the RM, RL, RH, and MU zones that propose to create new lots is subject to the approval of a conditional use permit as a Type II-~~B-C~~ review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures. (6/14)
- B. Cottage cluster development proposals in the RS zone is subject to the approval of a conditional use permit as a Type II-~~B-C~~ review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures. (6/14)
- C. The creation of individual lots does not require the submittal of a concurrent subdivision (or partition) application as specified in Section 3.108 as the division of land as part of the cottage cluster development process is

considered to be a separate land use process but must still comply with all applicable platting procedures. (6/14)

- D. All cottage cluster development proposals in RM, RL, RH, and MU zones not dividing land shall be consistent with the Special Use requirements outlined in this Section. (6/14)
- E. All cottage cluster developments which seek to create lots in any zone which a cottage cluster development is permitted, or a cottage cluster development proposal in an RS zone (with or without the creation of any lots) shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.202.04. (6/14)
- F. Time Limit. Approvals of any preliminary plans for a cottage cluster development shall be valid for one year after the date of the written decision. A Final Plat shall be recorded within this time period or the approvals shall lapse. (6/14)
- G. Time Extension. The City staff may extend the approval period for a cottage cluster development for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing at least thirty days prior to the expiration date of the approval period. (6/14)
- H. Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect. (6/14)

## **2.432.07 Approval Criteria**

In addition to the criteria within Section 3.103.03 cottage cluster developments with the creation of lots in the RM, RL, RH, or MU zone, or for a proposal in an RS zone regardless if any lots are created the following criteria apply: (6/14)

- A. The application complies, or can be made to comply with all applicable standards for cottage cluster development. The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (6/14)
- B. Whether or not lots are created as part of the cottage cluster development, all provisions of the KDC pertaining to frontage improvements along any public street frontage shall apply. Improvements within the cottage development shall be as specified in this Section. (6/14)
- C. The proposal complies with the density provisions of the underlying zone.

- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (6/14)
- E. Each parcel shall comply with the applicable requirements, depending on the appropriate land use category in Table 2.301.03, within Sections 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and, 2.316 (Infill Development). (6/14)
- F. Adequate public facilities shall be available to serve the existing and newly created parcels. (6/14)

### **2.432.08 Improvement Requirements**

All improvements required as part of a cottage cluster development application shall be done in accordance with the relevant sections of the Keizer Development Code. (6/14)

### **2.432.09 Process for Final Plat Approval**

- A. Survey. Within 1 year of the final decision approving a plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. A one-time one year extension may be granted by the Community Development Director provided that no code revisions have been adopted by City Council that might otherwise affect the partition as proposed. Applicant shall submit written extension request at least thirty days prior to expiration of decision. (6/14)
- B. Final Approval. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat by signing the final plat. (6/14)
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor. (6/14)
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B. (6/14)
- E. Owners Association. Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. (6/14)

1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat. (6/14)
  2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. (6/14)
  3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review. (6/14)
  4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat. (6/14)
- F. Names. All plat names shall conform to ORS 92.090. (6/14)
- G. Filing Final Plat. The final plat shall be filed with the Marion County Clerk's Office. (6/14)



### **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)
  - 4.2. Designation or Removal of a Historic Resource

C. Type II-BC: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-BC 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-BC 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)

4. Permit for demolition, modification, or moving of a Historic Resource

### **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)

### **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
<u>Designation or Removal of a Historic Resource</u>	<u>II-B</u>	<u>Recommendation to City Council</u>			<u>Final Decision</u>
Nursing and Residential Care Facilities (06/11)	II- <u>BC</u>	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Cottage Cluster Development as a Conditional Use (6/14)	II- <u>BC</u>	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
<u>Permit for demolition, modification, or moving of a Historic Resource</u>	<u>II-C</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Plan Comm Decision</u>
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

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
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
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

## **3.112 ANNEXATIONS**

### **3.112.01 Authority of City to Annex**

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the urban growth boundary and contiguous to the City or separated from it by a stream or right-of-way only or is consistent with Marion County Comprehensive Plan Policies and applicable state regulations. (06/10)

### **3.112.02 General Annexation Procedure**

- A. Public Hearing. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing with the Planning Commission. Notice shall be pursuant to the proposed method of annexation. (5/98)
- B. Planning Commission Action. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will: (06/10)
  - 1. Affect the community's air resources; (5/98)
  - 2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands; (5/98)
  - 3. Relate to areas with natural hazards; (5/98)
  - 4. Affect the fish and wildlife in the proposed annexation; (5/98)
  - 5. Utilize energy resources and conserve energy use; (5/98)
  - 6. Protect open spaces and scenic views and areas; (5/98)
  - 7. Provide for transportation needs in a safe, orderly and economic manner; (5/98)
  - 8. Provide for an orderly and efficient arrangement of public services; (5/98)
  - 9. Provide for the recreation needs of the citizens; (5/98)
  - 10. Affect identified historical ~~sites and structures~~ resources and provide for the preservation of such ~~sites and structures~~ resources; (5/98)
  - 11. Improve and enhance the economy of the City; and

12. Provide quality, safe housing through a variety of housing types and price ranges. (5/98)
- C. City Council Action. The City shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in 3.112.02 (B). (5/98)

### **3.112.03 Annexation by Election**

- A. Election Process. The Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS. 222.850 to 222.915, or to dispense with submitting the proposal for annexation to the registered voters of the City. (2/01)
- B. General or Special Election. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more that twelve months apart. (5/98)
- C. Multiple Annexations. Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot. (5/98)
- D. Notice. The Council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if



any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different. (5/98)

### **3.112.04 Annexation Procedure Without City Election**

- A. Council Hearing. By ordinance, the Council may elect to conduct a hearing on the annexation and set a date for a public hearing, at which time the registered voters of the City can be heard on the annexation proposal. (5/98)
- B. Published Notice. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period. (5/98)
- C. Written Notice. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation. (5/98)
- D. Public Hearing. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 3.200. (2/01)

### **3.112.05 Annexation Procedure with Election in Proposed Territory**

Property Owner Petition. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day: (5/98)

- A. The public hearing procedure shall be pursuant to Subsections 3.112.02 (A) and (B); and Subsections 3.112.04 (B), and (C). If the Council dispenses with submitting the question to the registered voters of the City; or (5/98)
- B. The Council takes the necessary action to call the annexation election in the City under Subsection 3.112.03 (D), if the Council submits the question to the registered voters of the City. (5/98)

### **3.112.06 Island Annexation**

- A. City Council Authority. It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the

City, with or without consent of any property owner or resident in the territory.  
(5/98)

- B. Notice and Procedures. Notice and procedures for public hearing without election shall be provided pursuant to the provisions of Section 3.112.02 and 3.112.04. Notice and procedures by election shall be provided pursuant to Section 3.112.03. & 3.112.05 (2/01)

### **3.112.07 Submission of Annexation Reports**

- A. Notice to County. The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines. (5/98)
- B. Notice to State. With the exception of "Island Annexation" the City Recorder shall submit to the Secretary of State: (5/98)
1. A copy of the annexation ordinance; (5/98)
  2. An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexation; (5/98)
  3. A copy of the statement of consent of landowners in the territory annexed; (5/98)
  4. A copy of the ordinance of the City declaring that no election is required in the City; and (5/98)
  5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance. (5/98)

### **3.112.08 Effective Date of Annexation**

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and Subsection 3.112.07 (B). Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing. (5/98)

### **3.112.09 Zone Designation of Annexed Property**

The City Council shall establish the appropriate Comprehensive plan designation and Zoning district upon annexation of the property to the City. (5/98)

## **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-**CB** Conditional Use for Nursing and Residential Care Facilities - Planning Commission decision)* (6/11)

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

[\(Type II-B Designation or Removal of a Historic Resource – City Council Decision\)](#)

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

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

[\(Type II-C Permit for demolition, modification, or moving of a Historic Resource – Planning Commission Decision\)](#)

*(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)* (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)

district requirements. The city's one parcel that is designated EFU should be evaluated to determine whether this zone designation is still appropriate or whether it should be re-designated to a more appropriate residential land designation. (2013)

c. Natural Resources and Open Space Policies

- 1) Protect and preserve open space areas along the Willamette River and Claggett Creek, in public parks and school grounds. A change in the zoning of these areas shall be reviewed to evaluate the effects of such change. Develop strategies to improve existing and future parks along the river to maximize access to the river without impacting riparian areas or water quality (2014)
- 2) Protect and manage identified significant wildlife habitats that may be identified in the future in accordance with the State Wildlife Management practices.
- 3) It is the intent of the City of Keizer that Labish Ditch and Claggett Creek shall be protected. Protect the riparian vegetation adjacent to Claggett Creek, Labish Ditch, and the Willamette River from development impacts through the flood plain ordinance, Discharge Ordinance, Erosion Control Ordinance, and other conservation area policies. (2014)
- 4) Protect, preserve and maintain waterways as scenic, recreational and natural resources as required under the NPDES permit and TMDL Implementation Plan. Access to waterways for maintenance purposes should be allowed and implemented in a water quality minded manner. (2014)
- 5) Prohibit filling of natural drainage courses. (2014)
- 6) The city shall revise park and recreational plans to meet the increased recreational needs created by infill and redevelopment and shall implement the necessary process to meet the current and future needs of the city. (2013)

d. Historic and Cultural Resources Policies

- 1) Protect and encourage the preservation of cultural and historic resources that may be identified in the future.
- 2) Develop an inventory and analysis of historic and culturally significant resources within the city. (2013)
- 3) Ensure the preservation of officially listed historical ~~sites and structures~~resources by criteria contained in Historical ~~Landmark Overlay Zone~~Resources chapter of the Keizer Development Code. (2013)

**CITY COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: ADOPTION OF FEES RELATING TO LAND USE AND SIGN  
PERMIT FEES UNRELATED TO PARTITIONS AND  
SUBDIVISIONS**

The Council adopted the land use and sign permit fees unrelated to partitions and subdivisions by Resolution R2016-2679 and amended the fees by Resolution R2016-2712. With the proposed revisions to the Keizer Development Code relating to historical resources and signs for special occasions, it is appropriate to adopt fees for issuing the permits and processing the applications.

State law requires that all fees be adopted by the City Council and that public comment be accepted. There is no requirement for a formal public hearing, but the Mayor should ask if any party wants to provide comment.

**RECOMMENDATION:**

Ask for public comment and unless there are objections or questions, adopt the attached Resolution.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2018-\_\_\_\_\_

4  
5 **ADOPTING LAND USE AND SIGN PERMIT FEES UNRELATED TO**  
6 **PARTITIONS AND SUBDIVISIONS; **REPEALING RESOLUTION****  
7 **R2016-2679 AND RESOLUTION R2016-2712**  
8

9 WHEREAS, the Keizer City Council established a fee schedule for land use  
10 actions and sign permits unrelated to partitions and subdivisions by Resolution No.  
11 R2016-2679;

12 WHEREAS, the Keizer City Council amended the fee schedule for land use  
13 actions and sign permits unrelated to partitions and subdivisions by Resolution No.  
14 R2016-2712;

15 WHEREAS, the City Council of the City of Keizer wishes to add a fee for  
16 processing applications relating to historical resources;

17 WHEREAS, the City Council of the City of Keizer further wishes to add a permit  
18 fee for signs for special occasions;

19 WHEREAS, the City Council solicited comment and testimony regarding the  
20 proposed fee on August 6, 2018;

21 NOW, THEREFORE,

22 BE IT RESOLVED by the City Council of the City of Keizer that the Land Use  
23 and Sign Permit Fee Schedule shall be set forth in Exhibit "A" and that the Community  
24 Development Department is directed to collect such fees.

1           BE IT FURTHER RESOLVED by the City Council of the City of Keizer that  
2   Resolution R2016-2679 and Resolution R2016-2712 shall be repealed in their entirety.

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

5           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

6  
7           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

8

9

10

11

12

13

14

\_\_\_\_\_  
Mayor

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

**EXHIBIT A**  
**CITY OF KEIZER**  
**LAND USE AND SIGN PERMIT FEE SCHEDULE**

1. CONDITIONAL USE	\$ 710.00
2. FLOODPLAIN	\$ 405.00 (plus \$15/lot)
3. PROPERTY LINE ADJUSTMENT	\$ 405.00
4 VARIANCE (Minor, Major or Sign)	\$ 710.00
5. ANNEXATION	\$ 1,790.00
6. COMPREHENSIVE PLAN AMENDMENT	\$ 2,495.00
7. MASTER PLAN	\$ 2,800.00 (plus \$38 x number of acres over 4 acres)
8. ZONE CHANGE	\$ 2,495.00
9. ZONE CHANGE AND COMPREHENSIVE PLAN AMENDMENT	\$ 3,410.00
10. FINAL PLAT REVIEW	\$ 360.00
11. REVIEW OF TRANSPORTATION IMPACT ANALYSIS (TIA)	\$ 660.00
12. HISTORICAL RESOURCE	\$ 150.00

**ADMINISTRATIVE ACTIONS**

1. Dealers License (New)	\$ 38.00
2. Dealers License (Renewal)	\$ 15.00
3. Land Use Compatibility Statement	\$ 38.00
4. Legal Lot Determination	\$ 77.00
5. Sign Permits	
0 to 36 square fee	\$ 99.00
36 to 60 square feet	\$ 126.00
61 to 100 square fee	\$ 160.00
101 to 150 square feet	\$ 198.00
6. Site Plan Review with Building Permit	
(Commercial)	\$ 236.00
(Industrial)	\$ 319.00
7. Temporary Use Permit	\$ 55.00
8. Written Determination	\$ 55.00
9. Zoning Fee (Building Permit)	20% of Marion County Building Fee
10. Childcare License Zoning Review	\$ 38.00
11. Zoning Review (Other than Dealers License and Childcare License)	\$ 38.00
12. Mobile Food Vendor Permit	\$ 75.00
13. Sign Permits for Special Occasions - 14 Consecutive Calendar Days	\$ 55.00
14. Sign Permits for Special Occasions - Oversized Portable Sign Each 120 Days	\$ 55.00

**APPEALS**

1. APPEAL OF STAFF DECISION	\$ 250.00
2. APPEAL OF HEARINGS OFFICER/PLANNING COMMISSION DECISION	\$ 365.00



**CITY COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
CITY OF KEIZER AND THE LABORERS INTERNATIONAL  
UNION OF NORTH AMERICA, OREGON SOUTHERN IDAHO  
DISTRICT COUNCIL LOCAL 737**

The City's Collective Bargaining Agreement (CPA) with the Laborers International Union of North America, Local 320 (now Laborers International Union of North America, Oregon Southern Idaho District Council Local 737) (Local 737) expired on June 30, 2018. City staff and Local 737 have negotiated a new CBA. Such agreement is attached to the enclosed Resolution.

The Resolution provides for City Manager and Public Works Director authorization to sign Memorandum of Understanding without additional Council authorization for individual new-hire vacation/sick leave bank and/or accruals as long as it is budgeted.

**RECOMMENDATION:**

Adopt the attached Resolution Authorizing City Manager and Public Works Director to Sign 2018-2021 Collective Bargaining Agreement with Laborers International Union of North America, Oregon Southern Idaho District Council Local 737.

Please contact Chris Eppley if you have any questions in this regard. Thank you.

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2018-\_\_\_\_\_

4  
5 AUTHORIZING CITY MANAGER AND PUBLIC WORKS  
6 DIRECTOR TO SIGN 2018-2021 COLLECTIVE BARGAINING  
7 AGREEMENT WITH LABORERS INTERNATIONAL UNION OF  
8 NORTH AMERICA, OREGON SOUTHERN IDAHO DISTRICT  
9 COUNCIL LOCAL 737

10  
11 WHEREAS, the City Council authorized the City Manager and Public Works  
12 Director to enter into a Collective Bargaining Agreement with the Laborers International  
13 Union of North America, Local 320 by Resolution R2015-2625;

14 WHEREAS, such Collective Bargaining Agreement was effective from July 1,  
15 2015 through June 30, 2018;

16 WHEREAS, the City desires to enter into a new Collective Bargaining Agreement  
17 with Laborers International Union of North America, Oregon Southern Idaho District  
18 Council Local 737 for the period of July 1, 2018 through June 30, 2021;

19 WHEREAS, from time-to-time amendments need to be made to the Collective  
20 Bargaining Agreement to modify provisions and change job classifications as authorized  
21 by the Council;

22 WHEREAS, such amendments are made with the use of Memoranda of  
23 Understanding;

24 WHEREAS, Memoranda of Understanding must be authorized by the City  
25 Council;

26

1           WHEREAS, the City Council desires to allow the City Manager and Public Works  
2 Director to sign Memoranda of Understanding relating to the 2018-2021 Collective  
3 Bargaining Agreement without further authorization by the City Council except for  
4 amendments relating to provisions that relate to wages, benefits, budgetary matters, or  
5 job classification additions, except as noted below;

6           WHEREAS, the City Council desires to allow the City Manager and Public Works  
7 Director to sign Memoranda of Understanding relating to the 2018-2021 Collective  
8 Bargaining Agreement without further authorization by the City Council relating to  
9 classification additions if such job classification additions have been budgeted for by  
10 Council;

11           WHEREAS, the City Council desires to allow the City Manager and Public Works  
12 Director to sign Memoranda of Understanding relating to the 2018-2021 Collective  
13 Bargaining Agreement without further authorization by the City Council relating to  
14 individual new-hire vacation/sick leave beginning bank and/or accrual;

15           NOW, THEREFORE,

16           BE IT RESOLVED by the City Council of the City of Keizer that the City Manager  
17 and Public Works Director are authorized to sign the attached 2018-2021 Collective  
18 Bargaining Agreement with the Laborers International Union of North America, Oregon  
19 Southern Idaho District Council Local 737.

20           BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the  
21 City Manager and Public Works Director are authorized to sign Memoranda of

1 Understanding relating to the 2018-2021 Collective Bargaining Agreement without  
2 further Council authorization unless such Memoranda pertain to provisions that relate to  
3 wages, benefits, budgetary matters, or job classification additions, except as noted below.

4 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the  
5 City Manager and Public Works Director are authorized to sign Memoranda of  
6 Understanding relating to the 2018-2021 Collective Bargaining Agreement without  
7 further Council authorization relating to job classification additions if Council has  
8 budgeted for the job classification addition.

9 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the  
10 City Manager and Public Works Director are authorized to sign Memorandum of  
11 Understanding relating to the 2018-2021 Collective Bargaining Agreement without  
12 further Council authorization relating to individual new-hire vacation/sick leave  
13 beginning bank and/or accrual as long as any changes are budgeted.

14 BE IT FURTHER RESOLVED that the agreement, including but not limited to  
15 wages and calculation of benefits is retroactive to July 1, 2018.

16 BE IT FURTHER RESOLVED that the effective date of this Resolution nunc pro  
17 tunc is July 1, 2018.

18 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

19 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

20

21

22

23

24

\_\_\_\_\_  
Mayor

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

**COLLECTIVE BARGAINING AGREEMENT**

**BETWEEN**

**CITY OF KEIZER, OREGON**

**AND**

**LABORERS INTERNATIONAL UNION  
OF NORTH AMERICA, OREGON SOUTHERN  
IDAHO DISTRICT COUNCIL  
LOCAL 737**

**2018 – 2021**

## TABLE OF CONTENTS

ARTICLE 1: RECOGNITION .....	1
ARTICLE 2: UNION SECURITY AND CHECKOFF .....	1
ARTICLE 3: MANAGEMENT RIGHTS .....	2
ARTICLE 4: STRIKES AND LOCKOUTS .....	3
ARTICLE 5: HOLIDAYS.....	3
ARTICLE 6: VACATIONS .....	4
ARTICLE 7: HOURS OF WORK .....	6
ARTICLE 8: SICK LEAVE.....	7
ARTICLE 9: OTHER PAID LEAVES OF ABSENCE.....	8
ARTICLE 10: UNPAID LEAVES OF ABSENCE .....	8
ARTICLE 11: COMPENSATION .....	9
ARTICLE 12: DISCIPLINE AND DISCHARGE .....	11
ARTICLE 13: GRIEVANCE PROCEDURE.....	11
ARTICLE 14: PROBATIONARY PERIOD.....	13
ARTICLE 15: GENERAL PROVISIONS .....	13
ARTICLE 16: INSURANCE AND RETIREMENT .....	15
ARTICLE 17: SAVINGS CLAUSE, FUNDING & WAIVER .....	15
ARTICLE 18: PERSONNEL RULES.....	16
ARTICLE 19: TERMINATION AND RECOGNITION .....	17

# **CITY OF KEIZER**

## **PREAMBLE**

This Agreement is entered into as of the by and between the CITY OF KEIZER, OREGON, hereinafter referred to as the "City" and LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 737, affiliated with OREGON & SOUTHERN IDAHO DISTRICT COUNCIL OF LABORERS, hereinafter referred to as the "Union".

The purpose of this Agreement is to set forth the full and complete Agreement between the parties on those matters pertaining to rate of pay, hours of work, fringe benefits and other conditions of employment.

## **SCOPE OF AGREEMENT**

This Agreement shall apply to all utility workers employed by the City of Keizer, excluding seasonal and temporary employees and supervisory and confidential employees as defined by ORS 243.650 and any additional exempt positions created by the City.

## **ARTICLE 1 RECOGNITION**

The City recognizes the Union as the exclusive bargaining agent as certified by the Employment Relations Board for the purposes of establishing salaries, wages, hours of work and other conditions of employment for all utility workers employed by the City of Keizer Public Works Department, excluding seasonal and temporary employees and supervisory and confidential employees as defined by ORS 243.650 and any additional exempt positions created by the City. Seasonal employees are those hired for 1040 hours or less in a calendar year.

## **ARTICLE 2 UNION SECURITY AND CHECKOFF**

### **Section 2.1**

Membership or non-membership in the Union shall be the individual choice of employees covered by this Agreement. However, any employee who chooses not to belong to the Union shall make a payment in lieu of dues to the Union. Such payment shall be equal to and shall in no event exceed periodic Union dues uniformly required. Should such "fair share" be declared unlawful under Oregon law by a court of competent jurisdiction, the preceding sentences shall be inoperative. It is recognized that employees covered by this Agreement may be required in the line of duty to perform duties growing out of or connected with labor disputes, which may arise within the City. The Union agrees that no disciplinary or other action will be taken by the Union against employees covered by this Agreement by reason of any such action or conduct in the line of duty.

### **Section 2.2**

The City agrees to deduct from the paychecks of each employee who has so authorized it the regular initiation fee (for new employees) and regular monthly dues uniformly required of members of the Union or monthly "payment in lieu of dues," as the case may be. The amounts deducted shall be transmitted monthly to the Union on behalf of the employees involved. Authorization for such deduction shall be in writing, signed by the employees on forms furnished by the Union. The performance of this service is at no cost to the Union.

The Union agrees to hold the City harmless against any and all claims, suits, orders or judgments brought against the City as a result of the provision for dues deductions and "fair share" deductions. While the City will not be held liable for deduction errors, it will make proper adjustments with the Union for errors as soon as it is practicable. In order for both parties to have adequate information on dues deduction, an updated list of the names of all employees in the bargaining unit will be delivered to the Union along with the monthly transmittal of the deductions.

The Union agrees to refund to the City any deductions and dues paid to it in error as soon as it is practicable. Such refunded money shall then be returned to the employee(s) as appropriate. The City agrees to provide to the Union the names of new employees within 30 days of the first day of employment of each new employee represented by this Agreement.

### **Section 2.3**

Any employee who objects to Association dues or "fair share" payments on the basis of bona-fide religious tenets or teachings of a church or religious body of which such employee is a member or sincerely held religious beliefs in accordance with applicable law, shall not be required to make dues or "fair share" payments. Any such employee shall pay an amount of money equivalent to regular Association dues to a non-religious charity which has been mutually agreed upon by the employee affected and the Association. The employee must provide written verification of such payments to the City's Finance Department on a monthly basis.

### **Section 2.4**

All employees covered by this Agreement shall within 30 days of employment either (1) become a member of the Union, (2) tender to the Union his/her fair share payment in lieu of dues, or (3) come to agreement with the Union on payment to a charitable organization based upon the religious grounds described in Section 2.3.

The Union assumes responsibility for repayment of monies found to be illegally deducted by the City under this Article.

## **ARTICLE 3 MANAGEMENT RIGHTS**

The City retains all the customary, usual, and exclusive rights connected with the responsibility to manage the affairs of the Department. The City shall retain the exclusive right to exercise all the customary functions of management, including but not limited to:

1. To determine the governmental services to be rendered to the citizens of the City's service area.
2. To determine financial, budgetary, accounting and organization policies and procedures. Reimbursements that qualify under the Internal Revenue Tax Code will be taxed according to IRS regulations.
3. To oversee personnel policies, procedures and programs promulgated under any ordinance or administrative order of the City establishing personnel rules and regulations not inconsistent with any other term of the Agreement.
4. To manage and direct the workforce, including the right to:
  - ◆ Determine the methods, processes and manner of performing work;
  - ◆ Establish new positions and to determine their proper classification;
  - ◆ Determine the duties and qualifications to be assigned or required and determine job classifications;
  - ◆ Hire, promote, demote, transfer and retain employees;
  - ◆ Discipline and discharge;
  - ◆ Lay off and the right to abolish positions or reorganize departments or divisions;
  - ◆ Determine schedules of work;
  - ◆ Purchase, dispose and assign equipment or supplies; and
  - ◆ Contract or subcontract any work.

This article shall not preclude the Union and the City from either (1) meeting during the period of the contract at the request of either party to discuss procedures for avoiding grievances and other problems and for generally improving relations between the parties; or (2) negotiating on any matter during the negotiation of a successor hereto. Each party shall advise the other at least seven (7) working days prior to such meeting as to the subject matter to be discussed.



The exercise of management rights, except where modified by specific provision of this Agreement or by law, is not subject to negotiation during the term of this Agreement.

## **ARTICLE 4 STRIKES AND LOCKOUTS**

### **Section 4.1**

The Union and the members of the bargaining unit, as individuals or as a group, will not initiate, cause, permit or participate or join any strike, work stoppage, or slowdown, picketing, or any other restriction of work at any location in the City. Employees in the bargaining unit, while acting in the course of their employment, shall not honor any picket line established in the City by the Union or by any other labor organization when called upon to cross such picket line in the line of duty. Disciplinary action, including discharge, may be taken by the City against any employee or employees engaged in a violation of this article. Such disciplinary action may be undertaken selectively at the option of the City and shall not preclude or restrict recourse to any other remedies, including an action for damages, which may be available to the City.

### **Section 4.2**

In the event of a strike, work stoppage, slowdown, picketing, observance of a picket line or other individual choice or collective employee conduct, the Union will, upon notification, secure an immediate and orderly return to work. This obligation and the obligations set forth in Section I above shall not be affected or limited by the subject matter involved in the dispute giving rise to the stoppage or by whether such subject matter is or is not subject to the grievance procedure of the Agreement.

### **Section 4.3**

There will be no lockout of employees in the unit by the City as a consequence of any dispute covered by the terms of this Agreement arising during the period of the Agreement.

## **ARTICLE 5 HOLIDAYS**

### **Section 5.1 - Eligibility**

All bargaining unit members shall receive regular compensation for each authorized holiday, except when the employee is on leave without pay. All regular part-time and job share employees' compensation shall be prorated based on the number of hours they are regularly scheduled to work.

### **Section 5.2 - Holidays Observed**

The following holidays are considered compensable holidays:

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| ▪ New Year's Day                    | January 1                            |
| ▪ Martin Luther King Jr.'s Birthday | 3 <sup>rd</sup> Monday in January    |
| ▪ President's Day                   | 3 <sup>rd</sup> Monday in February   |
| ▪ Memorial Day                      | Last Monday in May                   |
| ▪ Independence Day                  | July 4                               |
| ▪ Labor Day                         | 1 <sup>st</sup> Monday in September  |
| ▪ Veterans' Day                     | November 11                          |
| ▪ Thanksgiving Day                  | 4 <sup>th</sup> Thursday in November |
| ▪ Day after Thanksgiving Day        | 4 <sup>th</sup> Friday in November   |
| ▪ Christmas Day                     | December 25                          |

Whenever a holiday falls on a Sunday, the following Monday shall be recognized as a holiday. If such holiday falls on a Saturday, the preceding Friday shall be recognized as a holiday. An authorized holiday that occurs during vacation or sick leave shall not be charged against such leave.

### **Section 5.3 - Rescheduling a Holiday**

When an authorized holiday falls on an employee's regularly scheduled day off, the holiday may be subsequently rescheduled, if possible, to another day within the same pay period, or employee may be compensated in direct wages at the manager's discretion.

### **Section 5.4 - Personal Leave**

In addition to the above authorized holidays, employees shall receive 16 hours of Personal Leave per fiscal year. Personal Leave will be granted on July 1<sup>st</sup> of each fiscal year and must be utilized by June 30<sup>th</sup> of the same fiscal year.

Personal leave may be taken in one-hour increments. Employees are to request time off with their supervisor in advance. Time off will be granted on the basis for each unit of time off requested, an equal amount of time must be given, (example: for one-hour off, one-hour advance notice must be given, two-hours off, two-hours advanced notice, etc. ). Personal leave may not be carried over to the following fiscal year or credited to another type of leave. Personal leave days are not compensable and are not paid at separation.

## **ARTICLE 6 VACATIONS**

### **Section 6.1 - Eligibility**

All continuing full-time employees are eligible for vacation time. Continuing employees shall accrue vacation time on a monthly basis. After six months of employment, a continuing employee is eligible to take accrued vacation leave.

### **Section 6.2 - Accrual**

The amount of vacation time an employee is entitled to earn depends upon the employee's length of service with the City. Except when a department head or City Manager determines that use of vacation leave is inappropriate, an employee shall use at least forty (40) hours of vacation leave each calendar year. Vacation leave shall accrue per month as follows:

- 10.00 hours commencing with the first month through the 48<sup>th</sup> month (1-4 years) and will be reflected on the employee's bi-weekly pay stub as 4.62 hours;
- 12.00 hours commencing with the 49<sup>th</sup> month through 108<sup>th</sup> month (5-9 years) and will be reflected on the employee's bi-weekly pay stub as 5.54 hours;
- 13.33 hours commencing with the 109<sup>th</sup> month through the 168<sup>th</sup> month (10-14 years) and will be reflected on the employee's bi-weekly pay stub as 6.15 hours;
- 16.67 hours after the 168<sup>th</sup> month (15 years and up) and will be reflected on the employee's bi-weekly pay stub as 7.70 hours.
- Part-time employees shall accrue vacation leave on a prorated basis.

### **Section 6.3 - Maximum Accrual**

The maximum number of hours of vacation an employee may accrue is 400 hours.

### **Section 6.4 - Pay for Vacation**

An employee may elect to cash in vacation pay with the approval of the department head, either in conjunction with or after taking forty (40) hours of vacation leave.

### **Section 6.5 - Effect of Holiday**

When an authorized legal holiday occurs during the vacation period, that day shall be observed as a holiday and not be deducted from earned vacation leave.

**Section 6.6 - Vacation Scheduling**

Vacations may be taken any time during the calendar year with advance approval of the employee's supervisor and based on City needs. For vacation leave greater than three (3) days, employees must provide their supervisors with two (2) weeks written notice of their intention to take vacation leave. Requests for vacation leave less than three (3) days will be granted on the basis for each unit of time off requested, an equal amount of time must be given, (example: for one-hour off, one-hour advance notice must be given, two-hours off, two-hours advanced notice, etc.). Vacations may be taken in increments of hourly, daily, or weekly.

**Section 6.7 - Concurrent Leaves**

No vacation time will accrue during a period while an employee is on an unpaid leave of absence that exceeds thirty days in duration, or is receiving workers' compensation benefits.

If the leave is for a qualified FMLA or OFLA purpose, all leaves of absence shall be counted against the employee's family leave entitlement.

**Section 6.8 - Effect of Separation**

Employees who have not completed six months employment will not be paid for accrued vacation hours. Employees who separate from the City, either voluntarily or involuntarily, after six months of continuous employment, will be entitled to all accrued unused vacation pay calculated according to the accrual schedule.

## **ARTICLE 7 HOURS OF WORK**

Article 7 is intended as a basis for recognizing overtime, and shall not be construed as a guarantee of hours of work per day or per week.

### **Section 7.1 – Regular Hours**

The regular hours of work each day shall be consecutive except for interruptions for rest periods and an unpaid meal period.

### **Section 7.2 – Workweek**

Currently, a regular work schedule normally incorporates fourteen (14) calendar days. Every reasonable effort will be made by the City to provide a regular schedule and two consecutive days off for employees involved in continuous service operations. The City may change schedules to the extent consistent with operating requirements of the City.

### **Section 7.3 – Hours**

Currently, the two-week schedule, for the Street, Storm and Water Division workers, consists of eight nine-hour shifts and one eight-hour shift, with every other Friday off work. The schedule for the Parks Division workers currently consists of five eight-hour shifts per week. The City may change the hours of work to the extent consistent with operating requirements of the City.

In addition to the two-week schedules above, the City reserves the right to select employees to complete the annual water main flushing project based on its determination of relative skills, abilities and operational needs. All employees selected for this project will be reassigned to a night shift, with starting and quitting times to be designated by the City for the duration of the project. No employee will be scheduled to work their normal day shift schedule in addition to their night shift. In the event any employee assigned to the project is absent or otherwise unavailable to perform required project work, the City reserves the right to designate alternate workers to complete the project.

### **Section 7.4 - Work Schedules**

All employees shall be scheduled to work on a regular shift, and each shift shall have regular starting and quitting times. Except for emergency situations, as set by the City and during the duration of the emergency, work schedules for any work shift shall not be changed unless the changes are posted. Work schedules will be posted as soon as practical.

### **Section 7.5 - Duty Hours**

All employees will be required to complete a 7-day duty shift beginning at 5:00 p.m. Monday and ending the following Monday at 5:00 p.m.

### **Section 7.6 - Rest Periods**

All employees shall be granted a 15-minute rest period during each half shift, except in emergency situations. Rest periods shall be taken at approximately the middle of each half-shift. Rest periods shall be taken at the jobsite at which work is being performed or at a City facility.

### **Section 7.7 - Meal Periods**

All employees shall be granted a lunch period of not less than one-half hour for 9-hour shift days or more than one hour for 8-hour shift days, except in emergency situations. The lunch period shall be without pay, and shall be taken at approximately the middle of the work shift.

## **ARTICLE 8 SICK LEAVE**

### **Section 8.1 – Eligibility**

All employees shall accrue sick leave at the rate of eight (8) hours leave for each calendar month of service.

### **Section 8.2 – Accrual**

Sick leave accrues from the date of employment and is available for use from the date of hire. Unused sick leave will be carried forward to the next year. Employees shall be entitled to unlimited sick leave accrual. Sick leave cannot be used for vacation. If an employee runs out of sick leave, any additional sick time missed will automatically be deducted from the employee's available accrued leave. If no leave is available, the leave will be without pay.

### **Section 8.3 – Donation of Sick and Vacation Leave**

An employee may donate up to 40 hours of unused sick leave or vacation leave per calendar year to a donated leave bank administered by the City as long as they maintain at least 40 hours in both their sick and vacation leave banks on an ongoing basis. To be eligible to apply for donated leave, an employee must:

1. Have a serious illness or medical condition or be caring for a family member with a serious illness or medical condition that requires a prolonged absence from work (anticipate to be absent from work at least two weeks beyond exhaustion of all leave banks);
2. Have exhausted all sick leave, compensatory time, vacation, and holiday time; and
3. Not be eligible for disability benefits under PERS or the City's long term disability benefits prior to receipt of any donated sick leave.

Applications for donated leave must be made to Human Resources, in writing, and must describe the serious illness or medical condition necessitating the leave. All applications for donated leave must be approved by the City in advance. Donated sick leave will be based on a two (2) hours for one (1) hour (2:1) exchange. Donated vacation leave will be based on a one (1) hour for one (1) hour (1:1) exchange. Donations will be made without regard to differences in pay rate between the employee donating and the employee receiving the donation and will be paid out at the receiving employee's normal rate of pay.

Employees do not accrue sick leave, vacation pay or other benefits during the time they are on donated leave. Donated time cannot be used to extend the employment of an employee who will not be returning to work.

### **Section 8.4 – Sick Leave upon Separation**

No payment for accrued sick leave will be paid upon separation.

### **Section 8.5 – Retirement**

Upon retirement of an employee, fifty percent (50%) of unused sick leave shall be credited toward retirement benefits.

### **Section 8.6 – Sick Leave without Pay**

Upon written application, a leave of absence without pay for non-job related medical reasons may be granted by the City Manager for the remaining period of disability after earned sick leave and other accrued leaves have been exhausted. At the end of one year, an extension must be requested in writing and approved by the City Manager, who may require that the employee submit a certificate from the attending physician.

### **Section 8.7 – Procedure**

Employees are expected to call their immediate supervisor on each occasion of absence from work stating the reason for his/her absence as soon as practically possible. The City may require a written statement from a physician after three days absence. A physician's release will be required when the City has reason to believe the employee's return to work would present a health hazard to either the employee or coworkers in their work place.

## **ARTICLE 9 OTHER PAID LEAVES OF ABSENCE**

### **Section 9.1 - Jury Duty**

Employees shall be granted leave with pay for serving on a jury. Upon being excused from jury service for any reason an employee shall immediately contact the department head or the immediate supervisor for work assignment for the remainder of his regular workday. Employees shall tender to the City any jury duty pay.

### **Section 9.2 - Required Court Appearances**

Leave of absence with pay shall be granted for attendance in any court in connection with an employee's officially assigned duties, provided that the requirement to appear in court is as a result of a subpoena filed with the City. The period of such authorized absence shall include the time required for travel (to the court and return to the employee's work site or The City of Keizer), whichever is appropriate. This provision does not apply in any case where the Union or the employee is a complainant in a case against the City.

### **Section 9.3 - Military Leave with Pay**

A full time employee who has completed his required period of probation and who is a member of the Oregon National Guard or of any reserve component of the Armed Forces of the United States, is entitled to a leave of absence with pay from the duties for a period not exceeding 15 calendar days in any single calendar year. Such leave shall be granted without loss of pay and without impairment of other benefits to which he is entitled, except that such leave shall not be construed as official City business. Military leave with pay may be granted only when an employee receives bona fide military orders to active duty for a temporary period. A copy of the appropriate military orders must be furnished to the City when the employee receives same in order for the City to make whatever shift scheduling will be required during the affected employee's absence. Any employee on military leave with pay shall not be paid for such leave by the City unless the employee returns to his position with the City immediately following expiration of the period for which he was ordered to temporary active duty. Leave with pay shall not be granted to employees entering the military service for extended and indefinite periods of active duty.

### **Section 9.4 - Bereavement Leave**

All employees in the bargaining unit will be entitled to the same bereavement leave benefits as the unrepresented employees as offered and changed by the City. For purposes of this section, the immediate family includes: Mother, Father, Son, Daughter, Sibling, Husband, Wife, Mother-in-law, Father-in-law, Sister-in-law, Brother-in-law, Grandparent and Grandchild. It also includes domestic partners, as defined in City Policy as well as the Mother, Father, Son, Daughter, Siblings, Grandparents and Grandchildren of such domestic partners.

## **ARTICLE 10 UNPAID LEAVES OF ABSENCE**

A regular employee may be granted a leave of absence without pay up to thirty (30) days when, in the judgment of the City, the work of the department will not be seriously handicapped. Requests for such leave must be in writing and establish reasonable justification for the leave and the beginning and ending time of the leave. An employee's position will be held open until the ending time approved in the leave request subject to the operational needs of the City.

## **ARTICLE 11 COMPENSATION**

### **Section 11.1**

The City agrees to pay bargaining unit members during the term of this Agreement as per the City of Keizer Pay Matrix.

- A. The City Council recognizes that fluctuations in the state's economy will affect the market value of salaries. The Pay Matrix shall automatically be amended each year of this Agreement in July as follows:
  - 1. Effective July 1, 2018 through June 30, 2019, pay shall be increased by 3.0%.
  - 2. Effective July 1, 2019 through June 30, 2020, pay shall be increased based on the yearly percentage change in the CPI-W Western Region Size B-C index average increase for the prior calendar year with a minimum of 2% and a maximum of 3%.
  - 3. Effective July 1, 2020 through June 30, 2021, pay shall be increased based on the yearly percentage change in the CPI-W Western Region Size B-C index average increase for the prior calendar year with a minimum of 2% and a maximum of 3%.
  - 4. Effective July 1, 2018 through June 30, 2021, wages shall be increased as set forth above, unless the reopener is triggered pursuant to Section 19.2 of this Agreement.
- B. Salary survey for all classifications will be completed and available in conjunction with contract negotiations, unless otherwise agreed to by both parties at commencement of bargaining.
- C. An employee is eligible to receive a Spanish language differential of 5.0 %. Such differential is available if the employee is required to acquire this skill or if the City Manager determines that the second language is of benefit to the City. Employee must be fluent in the language as determined by the City based on a standard and testing program approved by the City.
- D. **ADVANCED CERTIFICATION.** Upon submittal of evidence that the employee has received certification above their level of classification and approved by management, the employee shall receive an additional fifty-five (55) cents per hour over and above their hourly base pay for holding one certification above their level of classification. This pay shall cease when and if the employee moves into a higher Municipal Utility Worker classification.

### **Section 11.2**

Employees shall be reimbursed for non-voluntary official use of an employee's personal automobile at the current IRS rate. The employee must obtain prior authorization before using their personal automobile for official City business. The employee shall provide an official City Reimbursement Request Form to the City prior to payment of reimbursement.

### **Section 11.3 - Reading the Pumps**

Employees assigned to read the pumps on weekends and holidays will be paid three hours of overtime.

### **Section 11.4 – Callback**

Callback is defined as hours a full-time employee is called back to work. Overtime will be paid for a minimum of two hours on a callback. The two hour minimum callback only applies when the callback results in hours worked that are not contiguous to the beginning or end of an employee's regular work schedule. Because of the possibility of multiple calls in a short period of time, the following is offered as a clarification of the two-hour minimum.

- If the call takes, for example, 1.5 hours to complete, the employee will be paid for 2 hours.

- If, while the employee is in the first two hours of the callback, additional calls are received and are completed within the two hours, the employee will be paid for two hours.
- If the call(s) in the first two hours of the callback takes over two hours to complete, then the employee will be paid for the number of hours worked, rounded up to the next whole hour. For example: for work over two hours, but less than three hours, the employee will be paid for three hours; for work over three hours, but less than four hours, the employee will be paid for four hours; and so on.

#### **Section 11.5 - On-Call Duty Pay**

Any employee assigned by his supervisor to be On-Call Duty time, after regular business hours, shall be compensated at the rate of \$350 for the 7 day period of On-Call Duty for the first two years of the contract (July 1, 2018 through June 30, 2020). The rate will increase to \$400 for the 7 day period of On-Call Duty the third year of the contract (July 1, 2020 through June 30, 2021). Scheduled On-Call Duty means that the employee will be required to respond to "pager calls" for work situations requiring the assigned employee's immediate attention.

#### **Section 11.6 - Emergency Callback**

Staff who are not on regularly scheduled On-Call Duty and are called back to work after their regular scheduled shift day ends will be compensated at the rate of one and one-half times the regular rate of pay for a minimum two (2) hours.

#### **Section 11.7 - Water Main Flushing Project Pay**

All employees assigned to the project will be paid a premium of two dollars (\$2.00) per hour for all work performed on the project. In addition, the City will designate a lead worker for the project. The lead worker shall be paid the two dollars (\$2.00) premium, plus five percent (5%) out-of-classification pay computed on the total of his/her regular rate and the two dollar (\$2.00) premium.

#### **Section 11.8 - Overtime**

1. Except as provided for herein, employees shall be compensated at the rate of one and one-half times the regular rate of pay under the following conditions, but in no event shall such overtime compensation be received twice for the same hours:
  - a. All assigned hours worked in excess of nine (9) hours per day in a five day work week, or eight (8) hours per day on the ninth day of the two week schedule, for the Street, Water and Stormwater Division employees, or eight (8) hours per day for the Park Division employees (authorized meal times shall not be counted);
  - b. All hours worked in excess of 80 hours in a two-week period.
2. Employees may accumulate compensatory time in lieu of overtime at the rate of one and one-half times the amount of actual time worked in excess of their regular hours and will be entitled to take said time off from work. A maximum of 60 hours may be accumulated, with no time limit on when this time must be used. Any amount accumulated over 60 hours will be paid to the employee on the next regular pay period.
3. All work in excess of the regularly scheduled shift shall be paid at the overtime rate of 1.5 times the regular rate of pay for overtime hours worked.

#### **Section 11.9 - Form of Compensation**

Compensation for authorized overtime, callback, and all holiday work may be paid or accrued as compensation time at the discretion of the City. All overtime must have prior approval of the department head or designated supervisor.



## **ARTICLE 12 DISCIPLINE AND DISCHARGE**

All employees will be subject to the "Standards of Conduct" set forth in the City Personnel Policy Manual. The City may impose disciplinary action including but not limited to oral reprimand, written reprimand, demotion, discipline or discharge based on the circumstances of the incident. No regular employee shall be suspended, demoted, or discharged except for cause, nor shall any such employee be suspended, demoted, or discharged arbitrarily. Any discipline action imposed on any bargaining unit employee may be appealed only through the grievance procedure set forth in Article 13 of this Agreement.

## **ARTICLE 13 GRIEVANCE PROCEDURE**

### **Section 13.1**

Any grievance or dispute, which may arise between the parties concerning the application, meaning, interpretation or enforcement of this Agreement, shall be resolved in the following manner and sequence. The grievant may be represented by the Union at each step of this procedure.

**Step 1.** The affected employee shall first attempt to resolve the dispute informally with the employee's immediate supervisor within seventy-two (72) hours of its occurrence excluding Saturday and Sunday. The immediate supervisor shall then attempt to resolve the matter within ten (10) working days of their discussion with the employee.

**Step 2.** If the grievance has not been settled between the affected employee and the immediate supervisor, the employee shall present the grievance in writing to the Director of Public Works within ten (10) working days, following the supervisor's response. At this and each subsequent step of the grievance procedure, the written grievance submitted by the employee/Union shall include:

- (a) a statement of the grievance and the factual allegations upon which it is based;
- (b) the Article and Section(s) of this Agreement alleged to have been violated;
- (c) the remedy sought;
- (d) the name and signature of the individual(s) submitting the grievance or the signature of an authorized union representative in the event the grievance is filed on behalf of an employee(s); and
- (e) The date the informal discussion occurred with the immediate supervisor.

Within ten (10) days of receipt of the grievance, the Director of Public Works will schedule a meeting to discuss the dispute with the grievant/Union and such meeting shall occur within thirty (30) days of the Director's receipt of the grievance. The Director of Public Works shall render a written decision within ten (10) days following the herein-referenced meeting.

**Step 3.** If the grievance has not been settled between the affected employee/Union and the Department Head, the employee/Union shall present the grievance in writing to the City Manager within ten (10) working days, following the Department Head's response.

Within ten (10) days of receipt of the grievance, the City Manager will schedule a meeting to discuss the dispute with the grievant/Union and such meeting shall occur within thirty (30) days of the City Manager's receipt of the grievance. The City Manager shall render a written decision within ten (10) days following the referenced meeting.

**Step 4.** If the grievance is not resolved at Step 3, the City and the Union, by mutual agreement, may move to an optional step of a Labor/Management Committee. If this option is not selected within ten (10) days from the issuance of the Step 3 decision by the City Manager, the parties shall automatically proceed to Step 5, below. The Labor/Management Committee shall consist of two representatives appointed by the Union and two representatives appointed by the City. None of the representatives shall be directly involved in the dispute. The Labor/Management Committee shall hear the matter at a mutually convenient time and it shall issue a written decision within two days after hearing the matter. The majority of the Labor/Management Committee shall determine the decision and the decision will be final and binding on all parties. Each member of the Labor/Management Committee shall be entitled to one vote. In the event that the Labor/Management Committee is deadlocked, that result will be noted in writing and the grievance will be deemed to have been denied, allowing the parties to proceed to Step 5.

**Step 5.** If the grievance is not resolved at Step 4 above and if the Union wishes to pursue the grievance further, the Union shall file a written notice of intent to arbitrate the grievance with the City within fifteen (15) calendar days of the date the decision of the City Manager was received, not including the date of receipt. The parties shall request a list of seven (7) Oregon and Washington arbitrators from the Employment Relations Board. If the parties cannot mutually agree to an arbitrator, they will alternately strike names and the last one will be the arbitrator.

### **Section 13.2**

The powers of the arbitrator shall be limited to interpreting this contract and to determine if it has been violated. The arbitrator shall have no power to alter, modify, add to, subtract, or detract from the terms of this contract. The arbitrator shall have no authority to substitute judgment for that of the City where the City has retained the right or discretion to act. If the arbitrator is faced with a question of arbitrability at the arbitration hearing, then the arbitrator shall be obligated to first hear argument and evidence and decide that question. If the arbitrator affirmatively decides the question of arbitrability in favor of arbitration, then the arbitrator may hear argument and evidence of the merits of the grievance. If requested by either the Union or the City, the hearings for a question of arbitrability shall be held separately from any hearing on the grievance merits. Within the scope of authority granted under this contract, the decision of the arbitrator shall be binding upon both parties to this contract. The selected arbitrator shall render a decision within thirty (30) calendar days after the close of the hearing. The costs of the arbitrator shall be borne equally by the Union and the City. Each party shall be responsible for costs of presenting its own case to arbitration. Should arbitration be canceled due to a settlement, the parties will split equally any cancellation fees.

### **Section 13.3**

If at any step of the grievance procedure the grievant fails to comply with the time limits or procedures set forth in this Article, the grievance shall be deemed abandoned and nonarbitrable. If at any step of the grievance procedures the City fails to issue a response within the time limits set forth in this Article, the grievance will be deemed to be denied and the grievant and the Union may proceed to the next step of the procedure. Time limits referred to in this Article may be waived or extended by mutual Agreement in writing.

### **Section 13.4**

An authorized Union representative and employee(s) who are directly involved in a particular grievance shall be allowed to attend meetings with representatives of the City without loss of regular pay if such meetings occur during their respective duty periods. The Union shall advise the City as to which employee(s) will attend such meeting. It shall be the responsibility of each individual employee to provide advance notice of the meeting to the immediate supervisor.

## **ARTICLE 14 PROBATIONARY PERIOD**

### **Section 14.1- Purpose**

The probationary period is an integral part of the employee's selection process and provides the City with the opportunity to upgrade and improve the department by observing a new employee's work and training, by aiding new employees in adjustment to their positions and by providing an opportunity to reject the employee.

Every new employee hired into the bargaining unit shall serve a probationary period of twelve (12) full months, after which the employee shall be considered a regular employee and granted seniority back to the date of the most recent date of hiring. The Union recognizes the right of the City to terminate probationary employees for any reason. Termination of a probationary employee shall not be subject to the grievance procedure under Article 13.

### **Section 14.2 - Allocation of Probationary Period**

The Union recognizes the right of the City to exercise all functions not specifically modified by this Article with respect to probationary employees, including but not limited to, the shifting of work schedules and job classifications, the assignment of on-the-job training, cross-training or other classifications, the requirement that such employees attend training programs on their off-duty.

### **Section 14.3 - Promotional Probationary Period**

Regular full time employees promoted into a higher classification shall serve a promotional probationary period of twelve (12) months. The Union also recognizes the right of the City to demote an employee on promotional probationary status to the previous classification for any reason, without prejudice to the City's position that demotion of a probationary employee to the employee's previous classification is a right which may be exercised at the option of the City. Demotion of an employee on promotional probationary status shall not be subject to the grievance procedure.

## **ARTICLE 15 GENERAL PROVISIONS**

### **Section 15.1 - Bulletin Boards**

The City agrees to allow wall space, not to exceed three (3) feet by four (4) feet, for a bulletin board within the Public Works Shop area to be used exclusively by the Union. The Union shall limit its postings of notices and bulletins to such spaces on the bulletin board. The City may limit this privilege if in its judgment such postings reflect discredit upon the City or its agents.

### **Section 15.2 - Nondiscrimination/Employee Rights**

The City agrees to post on the bulletin board described in Section 15.2, the rights of employees to be free from discrimination based upon protected classifications and the rights of the employees to form, join, and participate in activities of a labor organization.

### **Section 15.3 – Seniority**

Seniority shall be the employee's length of continuous service within the bargaining unit dating from the last date of hire. Seniority shall be broken or terminated if any employee quits, is discharged for cause, is laid off and fails to report to work within three days after being recalled or voluntarily waives an opportunity to return to work from lay off, is laid off from work for any reason for more than nine months (except that in the case of an industrial accident and employee's seniority rights shall continue for only one year), while on leave of absence, accepts another employment without permission, or is retired.

### **Section 15.4 - Union Representative**

Authorized representatives of the Union shall be allowed reasonable access to members of the bargaining unit during normal City business hours so long as there is no interruption of the City's work and so long as the employees are on

an authorized break period or lunch period. The Union's representatives are expected to announce their presence to a supervisory employee of the City. No Union representative shall contact a bargaining unit member while on duty without the express, prior approval of the City. In addition, the Union's representatives shall be allowed reasonable access to the City's conference rooms, when they are not otherwise in use by the City, for a place to meet with bargaining unit members before or after the normal workday. Special exceptions to these restrictions may be granted at the discretion of the City.

#### **Section 15.5 - Layoff and Recall**

**1. Layoff:** In the event a reduction in personnel is determined to be necessary by the City, length of service shall be the determining factor in such layoff, providing the skill, competency, ability and past performance of employees are substantially equal in the opinion of the City.

**2. Recall:** In the event a recall is determined to be necessary to the City, length of service shall be the determining factor in such recall providing the skill, competency, ability and past performance of employees are substantially equal in the opinion of the City. An employee's refusal to accept an offered position from layoff obviates the City's responsibility to make further offers. For the purposes of recalling employees, notice of recall from a layoff period exceeding five regular City work days shall be by certified mail, return receipt requested, sent to the employee at his last known address of record as furnished by the employee to the City. For layoff periods of less than five days, a personal visit by a City representative or a telephone call will suffice.

#### **Section 15.6 - Outside Employment**

Employees shall not accept outside employment that will interfere with their employment with the City.

#### **Section 15.7 - Authorized Travel, Training and Conference Attendance**

All employees in the bargaining unit will adhere to the same Travel Policy as provided to the unrepresented employees of the City. The City shall pay the tuition and instructional material costs for any employee required by the City to attend a course of instruction.

The City will pay for any special certifications and exams required by the City that pertains to their work.

#### **Section 15.8 - Clothing**

Where the City presently furnishes protective and/or work clothing, it shall continue such practice. Each employee shall receive a clothing allowance of \$400 at the beginning of each fiscal year (July 1). Employees will be required to launder and maintain uniforms. Uniforms must be worn whenever an employee is on duty. Required protective clothing will be provided.

#### **Section 15.9 - Personal Use of Cellular Telephones**

All employees in the bargaining unit will adhere to the same Computers, Telecommunication Devices and Other Electronic Equipment Policy as provided to the unrepresented employees of the City.

## **ARTICLE 16 INSURANCE AND RETIREMENT**

The City agrees to provide a contribution to a package of employee benefits program for all employees covered under this Agreement.

### **Section 16.1 - Insurance**

Effective July 01, 2015, the City will pay ninety-five percent (95%) of the premium to provide medical and dental insurance coverage for full-time employees who are participating in the City's current Health Net Plan #101097 and Guardian Dental Plan. Employees participating in those plans shall be responsible for paying the remaining five (5%) percent of the premium, irrespective of level of coverage. Employees who elect to be covered by lower cost medical and/or dental plans made available by the City shall receive contributions from the City up to the same amount as required for employees participating in Health Net Plan #101097 and Guardian Dental Plan as stated above. Any premium costs in excess of that amount shall be the employee's responsibility.

For regular part-time employees, the City will split the cost of employee-only medical and dental insurance using the same 95%/5% split as describe above.

All employee contributions shall be paid through payroll deductions.

The City will continue to provide an IRC Section 125 flexible spending account plan.

This Section shall be automatically be reopened in the event the excise tax will be triggered or potentially triggered, in accordance with Article 19 of this Agreement.

### **Section 16.2**

The City will pay the full premium, for the long-term disability insurance program covering employees in high-risk positions (municipal utility workers). The City will pay the full premium for the \$60,000 life insurance benefit for all regular full-time members of the bargaining unit.

### **Section 16.3 – Retirement**

All employees in the bargaining unit will be afforded the same retirement plan options as are provided to the unrepresented employees of the City.

## **ARTICLE 17 SAVINGS CLAUSE, FUNDING & WAIVER**

### **Section 17.1 - Savings Clause**

Should any portion of this Agreement be declared invalid by any court of competent jurisdiction or any agency of the state acting under specific authority of statute, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement. It is the intent of the parties that this Agreement shall stand notwithstanding the invalidity of any part.

### **Section 17.2 – Funding**

The parties recognize the revenue needed to fund pay and benefits provided by this Agreement must be approved by established budget procedures and, in certain circumstances, by vote of the citizens of the City. All such pay and benefits are therefore contingent upon sources of revenue and, where applicable, voter budget approval. The City has no intention of cutting pay rates and benefits specified in this Agreement because of budgetary limitations, but it cannot and does not guarantee any level of employment in the bargaining unit covered by this Agreement. The City agrees to include in its budget request(s) amounts sufficient to fund the pay and benefits provided by this Agreement, but it makes no guarantee as to passage of such budget requests or voter approval thereof and City action thereunder shall not be subject to the grievance procedure.

**Section 17.3 – Waiver**

The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter appropriate for collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the City and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waives the right and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter, even though such subjects or matters may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this agreement All terms and conditions of employment not covered by this Agreement shall continue to be subject to the City's direction and control.

**ARTICLE 18  
PERSONNEL RULES**

The Union agrees to accept the personnel rules and regulations adopted by the City. It is expressly understood that in the event of any conflict between the collective bargaining agreement and the personnel rules, the Agreement shall prevail; provided, however, that every effort shall be made to carry out the purposes of this agreement and the City Personnel Policy Manual.

**ARTICLE 19  
TERMINATION AND RECOGNITION**

**Section 19.1 - Length of Contract**

Except as set forth in Section 16.4 above, this Agreement shall commence on July 01, 2018 and shall remain in full force and effect until the 30<sup>th</sup> day of June, 2021.

Either party to this agreement may initiate negotiation for renewal, amendment and or revision of this agreement ninety (90) days prior to termination of this agreement.

**Section 19.2 – Insurance Re-opener**

In the event the insurance and insurance benefits provided under this Agreement trigger the excise (“Cadillac”) tax under the Affordable Care Act or there is any potential that the tax will be triggered, the parties agree to automatically reopen Sections 11.1.A and 16.1 of this Agreement.

**Section 19.3 - Mutual Reopeners**

Any specified Article or Articles of this Agreement may be opened at any time upon mutual written agreement of both the City and the Union during the life of the Agreement.

Executed on \_\_\_\_\_

**CITY OF KEIZER, OREGON**

\_\_\_\_\_  
Chris Eppley  
City Manager

Date

\_\_\_\_\_  
Bill Lawyer  
Public Works Director

Date

**OREGON SOUTHERN IDAHO  
DISTRICT COUNCIL OF LABORERS**

  
Greg Held, Business Manager

Date

7-31-2018

  
Zack Culver,  
Business Manager Local 737

Date

7-31-2018

\_\_\_\_\_  
Brandon Buchheit  
Local 737 Shop Steward

Date

**COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

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

**SUBJECT: SUMMERVIEW ESTATES STREET LIGHTING LOCAL IMPROVEMENT  
DISTRICT**

**ISSUE:**

On July 2, 2018 the City Council adopted Resolution R2018-2888 declaring the City's intent to initiate Summerview Estates Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

Attached to this staff report is a City Engineer's report filed for Summerview Estates Street Lighting Local Improvement District. The report was reviewed by the Public Works Department and found to meet the guidelines as outlined in the City of Keizer Ordinance for development of street lighting districts. Upon adoption of the report by the City Council, a public hearing will be scheduled to receive any remonstrances to the formation of this street lighting district.

**FISCAL IMPACT:**

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Street Lighting District Fund.

**RECOMMENDATION:**

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for September 4, 2018 to consider remonstrances and other comments on the district's formation and objections to proposed assessments.



CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2018-\_\_\_\_\_

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING  
THE CITY'S INTENT TO FORM SUMMERVIEW ESTATES STREET LIGHTING LOCAL  
IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Summerview Estates Street Lighting Local Improvement District which was filed with the City Recorder on July 11, 2018 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form Summerview Estates Street Lighting Local Improvement District and to make the lighting district improvements to serve Summerview Estates Street Lighting Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Summerview Estates Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on September 4, 2018, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

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

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2018.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

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

ENGINEER'S REPORT  
FOR  
SUMMERVIEW ESTATES  
STREET LIGHTING DISTRICT

For City Council Action August 6, 2018



CERT. EXP. DEC. 31, 2018

Prepared by:



Date: July 9, 2018

Project File: 4353-11

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Summerview Estates Subdivision

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2018-2888** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of 3, 47-Watt, LED luminaries at 25' mounting height on a 30', heavy duty gray, direct burial fiberglass pole with 6' aluminum mast arm. This design is selected to meet current city standards and provide the most efficient light coverage. It is recommended that installation be accomplished by the following method:

Portland General Electric Co. (PGE) would install the underground wiring and supply the electrical power to the District. The luminaries and poles would be furnished, owned and maintained by PGE.

Estimated Costs:

Developer -	
3 Pole & 47-Watt luminary @ \$13.12 per month ea. x 12 mos.	\$472.32
Administrative Fee @ \$8.10/Lot:	\$64.80
Engineering @ \$14.00/Lot:	<u>112.00</u>
Total Assessment	\$649.12
(1) Per Lot Assessment (First Year, 8 Lots)	\$81.14

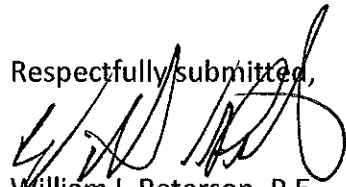
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

For the developer, the first year assessment would include the one-time costs for District formation and engineering. Subsequent year's assessments would reduce to \$59.04 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. I. Peterson', is written over the text 'Respectfully submitted,'.

William I. Peterson, P.E.  
City Engineer

PRELIMINARY ASSESSMENT ROLL

SUMMERVIEW ESTATES  
STREET LIGHTING DISTRICT

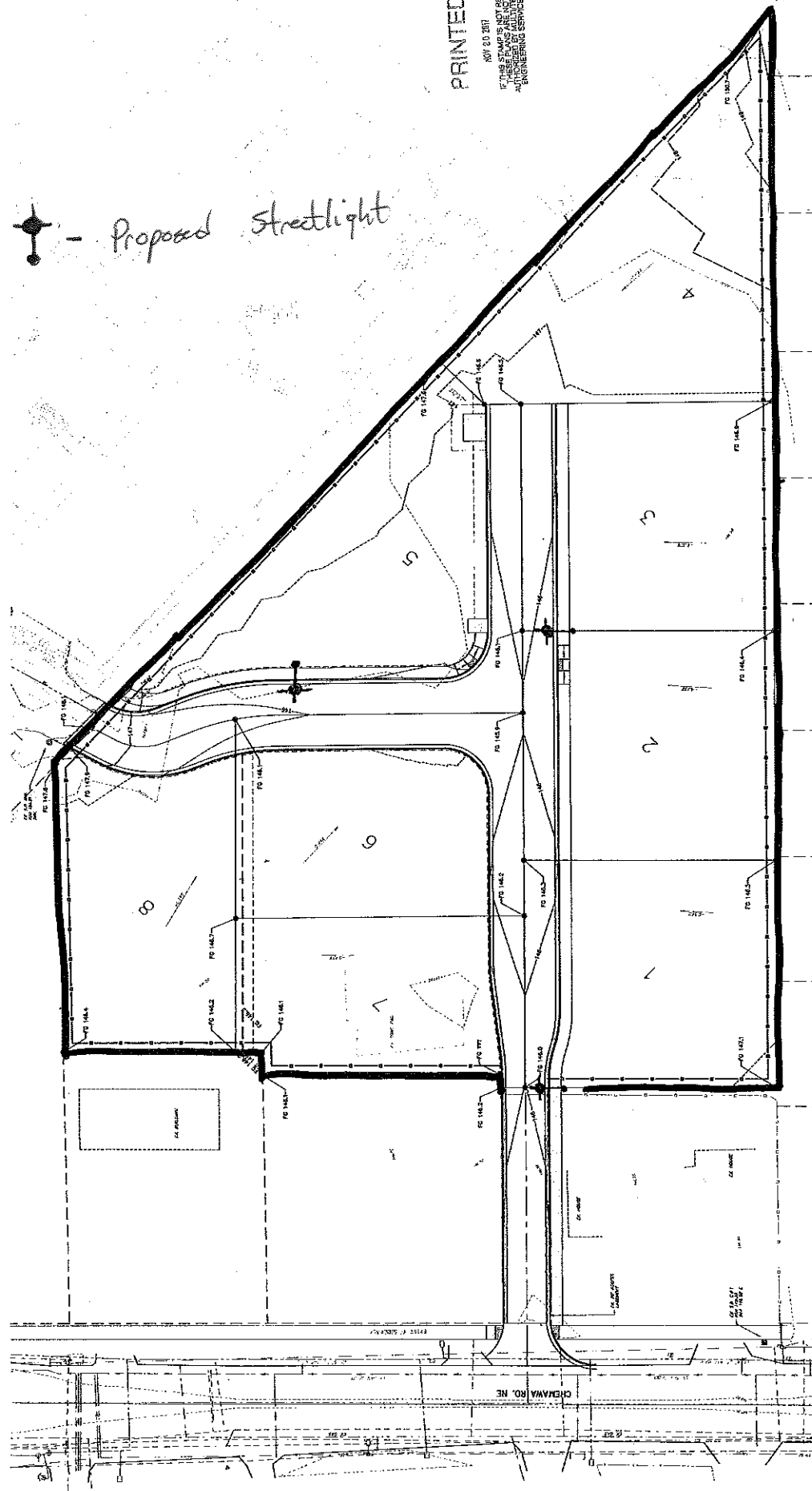
\*Assessors Map 06 3W 36CB 08201

<u>Lot#</u>	<u>Owner</u>	<u>Cost (per lot)</u>
1-8	Pacific Const., LLC P.O. Box 1094 Salem, OR 97308	\$81.14 (first year)
	Total Assessment:	\$649.12

Proposed Streetlight

PRINTED

NOV 20 2011  
IF THIS STAMP IS NOT USED  
THE DRAWING IS VOID  
FOR ANY AND ALL PURPOSES  
ENGINEERING SERVICES



**CITY COUNCIL MEETING: August 6, 2018**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: RESOLUTION AUTHORIZING PUBLIC WORKS DIRECTOR  
TO SIGN MARC NELSON OIL PRODUCTS, INC  
PURCHASING DOCUMENTS FOR CARDLOCK FUEL CARDS**

The City uses the state procurement program for selection of the gasoline vendor for the Police Department vehicles. The Public Works Department desires to use the state procurement program for the purchase of its gasoline. The state procurement program requires a purchase order in addition to other documentation to obtain the cardlock fuel cards. Because the purchase amount is in excess of \$25,000 per year, it is appropriate for Council to authorize the Public Works Director to sign the documents.

**RECOMMENDATION:**

Adopt the attached Resolution authorizing the Public Works Director to sign Marc Nelson Oil Products, Inc purchasing documents for cardlock fuel cards.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2018-\_\_\_\_\_  
4

5  
6 AUTHORIZING PUBLIC WORKS DIRECTOR TO SIGN MARC  
7 NELSON OIL PRODUCTS, INC PURCHASING DOCUMENTS  
8 FOR CARDLOCK FUEL CARDS  
9

10  
11 WHEREAS, the City of Keizer Public Works Department budgeted funds in the  
12 2018-2019 budget to purchase gasoline to be used by the public works department  
13 vehicles;

14 WHEREAS, the City has determined procurement through the Oregon  
15 Cooperative Procurement Program (ORCPP) provided the best price per gallon and the  
16 state selected Marc Nelson Oil Products, Inc. as the state vendor;

17 WHEREAS, the City Council has considered this matter and wishes to authorize  
18 signing of the purchasing documents for Cardlock Fuel Cards;

19 NOW, THEREFORE,

20 BE IT RESOLVED by the City Council of the City of Keizer that the Public  
21 Works Department is authorized to sign the purchasing documents attached hereto and  
22 by this reference incorporated herein for cardlock fuel cards from Marc Nelson Oil  
23 Products, Inc.  
24  
25



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

3           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

4

5           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

6

7

8

9

\_\_\_\_\_  
Mayor

10

11

12

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



# City of Keizer

PO Box 21000  
Keizer OR 97307-1000  
Phone: 503-390-3713

# PURCHASE ORDER

Number  
18-

TO:  
Marc Nelson Oil Products  
1977 Claxter Rd NE  
Salem, OR 97303

SHIP TO:  
Bill Lawyer  
Public Works Director  
930 Chemawa Road NE  
Keizer, OR 97303

PLEASE ENTER OUR ORDER FOR THE FOLLOWING:

DATE REQUIRED	SHIP VIA	TERMS 30 NET	ACCOUNT OR JOB NO.	ORDER DATE 8/7/18	
QUANTITY	DESCRIPTION		UNIT PRICE	AMOUNT	
25	Cardlock Fuel Cards to be Used at Pacific Pride Stations – see attached documents for specifics		0	0	
	THIS PURCHASE ORDER IS SUBMITTED PURSUANT TO STATE OF OREGON SOLICITATION #102-1804-11 AND THE PRICE AGREEMENT #7687. THE PRICE AGREEMENT INCLUDING CONTRACT TERMS AND CONDITIONS (T's & C's) CONTAINED IN THE PRICE AGREEMENT ARE HEREBY INCORPORATED BY REFERENCE AND SHALL APPLY TO THIS PURCHASE AND SHALL TAKE PRECEDENCE OVER ALL OTHER CONFLICTING T's & C's, EXPRESS OR IMPLIED.				

PLEASE ACKNOWLEDGE IMMEDIATELY AND STATE WHEN YOU WILL SHIP – OUR ORDER NO. MUST APPEAR ON ALL RELATED PACKAGES AND FORMS

Bill Lawyer, Public Works Director

BILLING ADDRESS IS:

PO BOX 21000  
KEIZER OR 97307



## CARDLOCK WRITTEN CUSTOMER AGREEMENT

Business Name: City of Keizer - Public Works Department

Address: PO Box 21000

City, State, Zip Code: Keizer, OR 97307

Phone: 503-856-3555

### The following is required under ORS 480.345

**PROOF OF BUSINESS REQUIREMENT:** I/we agree to provide verifiable proof of business in the form of a Federal Employee Identification Number (FEIN), or a copy of a document issued by a governmental agency that clearly indicates active participation in the business, government agency, nonprofit organization, or charitable organization. Unless an FEIN is used to verify business, I/we will provide an updated copy (as checked below) either annually or upon expiration.

FEIN 93-0836902

- ☐ Unexpired Business License      ☐ Current Federal Income Tax Schedule C or F      ☐ Equivalent Documentation (subject to approval)

**MINIMUM FUEL PURCHASE REQUIREMENT:** I/we agree to purchase 900 gallons of Class 1 flammable liquids or diesel fuel from any source annually, **or I am exempt from the minimum gallon purchase requirement by checking one of the following below. \*NOT A CONTRACT AND DOES NOT REQUIRE ANY FINACIAL OBLIGATION\***

- ☐ I/we have been a continuous cardlock customer since at least June 30, 1991. (Supporting evidence required)
- ☐ I/we engage in farming and claim fuel as a deductible expense and will annually provide a federal schedule F showing on the appropriate line the amount of fuel expenses being deducted.
- ☒ We are one of the following (check as appropriate):
- ☒ A government agency providing fire, ambulance, or police services under ORS 480.345
  - ☐ A people's utility district organized under ORS chapter 261
  - ☐ A domestic water supply district organized under ORS chapter 264
  - ☐ A mass transit district organized under ORS 267.010 to 267.390
  - ☐ A metropolitan service district organized under ORS chapter 268
  - ☐ A special road district organized under ORS 371.305 to 371.360
  - ☐ A 9-1-1 communications district organized under ORS 403.300 to 403.380
  - ☐ A sanitary district organized under ORS 450.005 to 450.245
  - ☐ A sanitary, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989
  - ☐ A rural fire protection district organized under ORS chapter 478
  - ☐ A water improvement district organized under ORS chapter 552
  - ☐ A water control district organized under ORS chapter 553
  - ☐ A port organized under ORS chapter 777

**BUSINESS USE REQUIREMENT:** I/we agree to dispense Class 1 flammable liquids **only** into motor vehicles, or approved containers, that are **owned or used** by this business, government agency, nonprofit organization or charitable organization. I will not dispense fuel for personal use.

**FIRE SAFETY TRAINING REQUIREMENT:** I have completed the fire safety training as required by the State Fire Marshal, and agree that each individual and employee allowed to dispense Class 1 flammable liquids for my account have or has received the fire safety training **before** dispensing any gasoline.

By signing this agreement, I certify that all information provided is true and correct and I/we understand that my/our account may be cancelled for violations of this agreement or State Fire Marshal cardlock regulations.

Typed or Printed Name: Bill Lawyer, Public Works Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Under ORS 162.075, falsely certifying that you are qualified to be a non-retail fuel customer or that the above information is true and correct, when it is not, is a Class A Misdemeanor.



## PACIFIC PRIDE CARD ORDER FORM



PLEASE FILL IN YOUR REQUIREMENTS AND INFORMATION FOR EACH CARD YOU ARE REQUESTING

COMPANY NAME: City of Keizer - Public Works  
PHONE NUMBER: 503-390-3700

DATE: \_\_\_\_\_  
ADDRESS: P.O. Box 21,000  
Keizer, OR 97307-1000

AUTHORIZED COMPANY CONTACT FOR YOUR CARDS: \_\_\_\_\_

CALL 971-209-4524 OR EMAIL PATRICK@MARCNELSONOIL.COM FOR "OFF ROAD" DIESEL ACCESS IF NEEDED.

	Name on the Front of Cards	5 Digit Pin	Retail Access (Yes or No)	Authorized Fuels (diesel, gas, premium, oil or all)	"Y" plate (If Applicable)	Daily or Weekly Gallon Limit (20,50,100 or Choose)
1	KPW Truck #20					
2	KPW Truck #22					
3	KPW Truck #23					
4	KPW Truck #28					
5	KPW Truck #16					
6	KPW Truck #24					
7	KPW Truck #2					
8	KPW Truck #12					
9	KPW Truck #14					
10	KPW Truck #10					
11	KPW Truck #11					
12	KPW Truck #15					
13	KPW Truck #18					
14	KPW Truck #19	✓				
15	KPW Truck # <del>20</del> 21					



## PACIFIC PRIDE CARD ORDER FORM



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COMPANY NAME: City of Keizer - Public Works

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	Name on the Front of Cards	5 Digit Pin	Retail Access (Yes or No)	Authorized Fuels (diesel, gas, premium, oil or all)	"Y" plate (If Applicable)	Daily or Weekly Gallon Limit (20,50,100 or Choose)
16	1 KPW Truck # 25					
17	2 KPW Truck # 26 ← 26					
18	3 KPW Truck # 27					
19	4 Parks truck # 51					
20	5 Parks truck # 52					
21	6 Parks truck # 53					
22	7 Parks truck # 54					
23	8 Parks truck # 55					
24	9 Parks truck # 56					
25	10 Parks truck # 57					
	11					
	12					
	13					
	14					
	15					



**CERTIFICATION OF OREGON "USE FUEL" TAX EXEMPT STATUS**  
**("Use Fuel" = Diesel, Propane, CNG or other fuel that is not gasoline)**

We hereby request to purchase Use Fuel exempt of Oregon Use Fuel tax as permitted by ORS 319.520 for the following reason(s): (Check all that are applicable)

- \_\_\_\_ 1) Vehicle(s) listed have been issued a valid ODOT Motor Carrier permit or pass (weight receipt) are subject to weight mile taxes. List file number below.
- \_\_\_\_ 2) Vehicle(s) listed have been issued a valid Use Fuel vehicle emblem by the ODOT Fuels Tax Group (this includes special districts and school districts). List user license number below.
- X 3) Vehicle(s) listed are registered to a U.S. government agency, Oregon state, county or city, and displays a State of Oregon "E" plate.
- \_\_\_\_ 4) Vehicles/equipment listed are farm tractors or other agricultural implements only incidentally operated on the highway as defined in ORS 319.520.
- \_\_\_\_ 5) Vehicles/equipment listed are unlicensed and/or used exclusively on privately owned property (not operated on highways).

**STATEMENT OF CERTIFICATION**

We hereby certify that all Use Fuel purchased ex-tax using a cardlock card as defined in ORS 319.520 on our account with Marc Nelson Oil Products, Inc. will only be used for Use Fuel tax-exempt purposes as defined in ORS 319.510 through 319.880.

We further agree that we are responsible for proper reporting and payment of taxes plus applicable interest and penalties of up to 35% of unpaid taxes due the State of Oregon for Use Fuel purchased tax-exempt on this account and used for non-exempt purposes.

We further agree that tax reporting and payment responsibility extends to purchases of Use Fuel made using any additional or replacement cardlock cards issued under this account.

We, therefore, indemnify and hold harmless Marc Nelson Oil Products, Inc. and its subsidiaries and assigns from any and all liability relating to the improper use of tax-exempt cards.

Customer City of Keizer - Public Works Department Acct No \_\_\_\_\_

Address PO Box 21000

City Keizer State OR Zip 97307

Customer signature \_\_\_\_\_

Print name Bill Lawyer Title Public Works Director

Date signed \_\_\_\_\_

MCTD file number if #1 is checked above NA

User license number if #2 is checked above NA

Customer City of Keizer Public Works Acct No

Exempt 1	List MCTD weight receipt number
Exempt 2	List make and model of vehicle and FTG emblem number
Exempt 3	List government plate number
Exempt 4	List make and model of farm-use equipment or tractor
Exempt 5	List make and model of unlicensed vehicle or equipment

## State tax status

[illegible]

1	60% Stormwater 40% Streets - E254 295 Mikey G. Ford 150
2	75% Stormwater 25% Streets - E262 606 Lyle Bell Ford 250
3	100% Streets - E263 791 Greg Hamilton Ford Transit Big van
4	100% Stormwater - E199 722 Art/Juan 2018 Ford 550
5	100% Stormwater - E246 583 Vac Con
6	100% Stormwater - E263 751 Transit Connect Billy/Mark
7	Old Dump truck E183105
8	New Dump truck E235597
9	Water/Street/Storm Matt Reyes Ford 150 E242 237
10	Water Blue F550 E227499 (Tylers)
11	Water White F550 E23551 (Alexs)
12	Water E238333 Ford Ranger (PATS)
13	Water E246204 Ford F250 (David)
14	Water E254281 Ford F250 (Chris)
15	Water E262611 Ford F350 (Kurt)
16	Water E266324 Ford F-150 (Brandons)
17	Water? Storm? Ford van Customer service (Brad)
18	Water Storm F-150 (All)
19	Parks E215990 Ford <del>F-250</del> 1999 (Temp)
20	Parks E220441 Ford Ranger <sup>2002</sup> (Temp)
21	Parks E233282 Ford F-250 2007 (Temp)
22	Parks E262645 Ford F-150 2013 (Robert)
23	Parks E275120 Ford F-250 2018 (Don)
24	Parks E275121 Ford F-250 2018 (Matt)
25	Parks E275122 Ford F-250 2018 (Lawson)



**For use by state and local governments to support vendor's claim for a credit or payment under Section 4221 of the Internal Revenue Code (unleaded products)**

# EXEMPTION CERTIFICATE

(Signature)	PO Box 21000
	(Address)
	Keizer, OR 97307
<u>93-0836902</u>	
(Federal Employer Identification Number)	

## EXEMPTION CERTIFICATE

**For use by state and local governments or farmers to support vendor's claim for a credit or payment under Section 6427 of the Internal Revenue Code (diesel and kerosene).**

Vendor: Marc Nelson Oil Products, Inc. 93-0772932  
1977 Claxter Road NE  
PO Box 7135  
Salem, OR 97303

The undersigned buyer ("Buyer") hereby *certifies* the following under penalties of perjury:

Buyer will use the diesel and/or kerosene fuel to which this certificate relates (check one):

\_\_\_\_\_ on a farm for farming purposes (as defined in Section 48.640-4© of the Manufacturers and Retailers Excise Tax Regulations) and the Buyer is the owner, tenant or operator of the farm on which the fuel will be used;

\_\_\_\_\_ on a farm (as defined in Section 48.6420-4(c)) for any of the purposes described in paragraph (d) of that section (relating to cultivating, raising, or harvesting) and the Buyer is the person that is not the owner, tenant, or operator of the farm on which the fuel will be used; or

☒ for the exclusive use of a state, political subdivision of a state, or the District of Columbia.

**This certificate applies to the following (complete as applicable):**

\_\_\_\_\_ This is a single purchaser certificate. Enter:

Buyer account or order number: \_\_\_\_\_

Invoice or delivery ticket number: \_\_\_\_\_ Number of Gallons: \_\_\_\_\_

☒ This is a certificate covering all purchases under a specified account or order number.

Buyer account or order number \_\_\_\_\_

Effective Date: January 1, 2014<sup>8</sup> Expiration Date: December 31, 2014<sup>8</sup>  
(Period not to exceed one (1) year after the effective date)

Buyer will provide a new certificate to the Seller if any information in this certificate changes.

**If Buyer uses the diesel or kerosene fuel to which this certificate relates for a purpose other than stated in the certificate, Buyer will be liable for tax.**

**Buyer understands that the fraudulent use of this certificate may subject Buyer and all parties making such fraudulent use of this certificate to a fine or imprisonment, or both, together with the costs of prosecution.**

Buyer: City of Keizer Public Works Taxpayer ID # 93-0836902

Address: PO Box 21000, Keizer, OR 97307

Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Bill Lawyer  
Printed or Typed Name of Person Signing

Public Works Director  
Title of Person Signing



# FIRE SAFETY TRAINING

## SAFE FUELING GUIDELINES

The following are guidelines you **MUST** follow when using a cardlock facility.

**NO SMOKING  
GASOLINE IS FLAMMABLE**



**NO SMOKING**

- Smoking is not permitted. Doing so could result in a serious fire and/or injury.

**FIRE EXTINGUISHER LOCATION & USE**

Location and instructions for use must be conspicuously posted.

TO USE:

- Hold the extinguisher upright
- Pull ring pin
- Stand back 8 feet from the fire
- Aim at base of fire and squeeze lever
- Sweep side to side



**IDENTIFY EMERGENCY EQUIPMENT**

Emergency equipment has been installed at this site. Signs have been posted to help you identify it.

**BEFORE** fueling, please note the location of the following emergency equipment.

- FIRE EXTINGUISHERS.
- A RED EMERGENCY STOP BUTTON is on the card reader station panel. This will shut down the fuel pumps.
- AN EMERGENCY SHUT OFF SWITCH. This allows you to shut down the entire system from a location other than the fueling island. It is clearly identified with a sign. If a fire starts use the EFSO.
- A TELEPHONE or a fire alarm transmitting device.

THE SITE OPERATOR’S telephone number is posted at the site. If you need assistance or need to report a spill or problem, call this number.

**CONTAINERS**

Only approved containers may be filled.

***Approved containers must be:***

- CLEARLY MARKED with the name of the liquid. (NFPA No. 30A, Sec. 9.2.3.2).
- Constructed of metal or approved plastic, have a tight closure, and be fitted with a spout or be so designed that the contents can be poured without spilling. (OFC 3404.3 –NFPA 30.4.2).

- A metal or \*plastic safety that holds 5 gallons or less (NFPA 30 table 6.2.3).
  - \* An approved plastic container is one that has been tested and listed to be in compliance with the requirements of ASTM F 852 or F 976, ANSI/UL 1313, or 49 CFR.
- A metal drum, meeting DOT specifications that holds 60 gallons or less (NFPA 30, Sec 4.2.3).

***Procedures for fueling portable containers:***

- Portable containers up to 12 gallons **must** be placed on the ground before filling. **DO NOT FILL PORTABLE CONTAINERS WHILE THEY ARE IN A TRUNK, A BOAT, OR BED OF A PICKUP!** (NFPA No. 30A, Sec. 9.2.3.3)
- Do not use latch open devices when filling portable containers.

**OTHER PRECAUTIONS**

- STOP YOUR ENGINE and put your vehicle in PARK or set your emergency brake. You MUST STOP your engine before fueling. Discharge static electricity before touching the nozzle.
- You must remain outside your vehicle and must attend the nozzle and be in full view of the nozzle while refueling.

**HOW TO BEGIN FUELING**

- Insert access card into the card reader and remove it. Directions will appear on the screen of the card reader.
- Enter your security number. Press ENTER.
- (On a two card system, you will now enter the vehicle card using the same process).
- Enter your 5 digit odometer number or any other number. Press ENTER.
- Activate the pump by entering the pump number. Press ENTER.
- Lift the nozzle from the pump and insert the nozzle deeply into the fuel tank.
- Activate the pump by lifting the lever on the side of the pump.
- Pull the trigger on the nozzle and begin to dispense fuel.

The optimum nozzle setting for speed of delivery is between ½ and ¾ open. Faster delivery may result in a spill.

If the nozzle is activated too quickly, a leak detector will automatically slow pumping to a trickle. If this happens, release the trigger on the nozzle and wait 10 seconds. Pull trigger back on and pumping should be normal.

**FIRE SAFETY TRAINING RECEIPT**

I certify that I have received and read the fire safety training material provided to me. I have also distributed the material to all employees under my supervision and certify that they have been trained in the safe operation of gasoline dispensing equipment at unattended automated fueling sites.

**CUSTOMER NAME (please print):** Bill Lawyer, Public Works Director - City of Keizer

**CUSTOMER SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACCOUNT NUMBER:** \_\_\_\_\_

**FUELING COMPLETED**

- The nozzle should click off when the tank is full.
- Do not top off the tank (OAR 340-244-0232).
- Shut the pump off by moving the lever on the pump down.
- Return the nozzle to its hanger.

**IN CASE OF FIRE, SPILL OR RELEASE**

1. USE EMERGENCY PUMP SHUTOFF
2. CALL 911 TO REPORT THE ACCIDENT, or press the fire alarm if no phone is available.

IN CASE OF SPILL OR RELEASE: CALL THE OPERATOR EMERGENCY NUMBER.

WARNING: Driving away with the nozzle still in your vehicle can result in fire or spill, which could lead to extreme damage and serious injury.

If you drive off with the nozzle in the vehicle, follow the procedures below:

1. STOP VEHICLE.
2. TURN PUMP OFF.
3. PUT HOSE BACK ON PUMP IF POSSIBLE.
4. REPORT INCIDENT USING EMERGENCY NUMBER POSTED AT SITE.

Advise of:

- Your Location
- Pump Number
- Date and Time
- Your Name and Telephone Number

If other assistance is needed call the emergency number and report the problem.

**CAUTION! HAZARDOUS MATERIALS**

ALL FUELS ARE HAZARDOUS. Read the following warning statements.

**DANGERS OF GASOLINE**

- Gasoline is extremely flammable.
- Harmful or fatal if *swallowed*.
- May be harmful if *inhaled or absorbed through the skin*.
- May cause *irritation*.
- Long term exposure to *vapors* has caused *cancer* in laboratory animals.
- Keep away from heat, sparks, and flame.
- Avoid breathing *vapor*.
- Use only in well *ventilated* locations.
- Avoid contact with *eyes* and prolonged contact with *skin*. Wash thoroughly after handling.
- Keep container closed.
- FOR USE AS MOTOR FUEL ONLY.

**DANGERS OF DIESEL**

- Diesel is *combustible*.
- May cause irritation to *eyes*.
- Avoid contact with *eyes*.
- Middle distillates (including diesel) have caused *skin cancer* and *kidney damage* in laboratory animals.
- Keep away from *heat and flame*.
- Use only in well *ventilated* locations.
- Avoid prolonged or repeated contact with *skin*. Wash thoroughly after handling.
- Keep head away from container when opening or dispensing.

**FIRST AID PROCEDURES**

It is important that you follow these emergency and first aid procedures if you come into contact with gasoline and diesel fuel.

EYES: Flush with water for 15 minutes.

SKIN: Wash exposed areas with soap and water.

INGESTION: DO NOT induce vomiting. May cause chemical pneumonitis. Call doctor.

INHALATION: Should symptoms noted under physiological effects occur, remove to fresh air. If not breathing, apply artificial respiration.

OTHER INSTRUCTIONS: Remove gasoline or diesel soaked clothing.

**PHYSIOLOGICAL EFFECTS**

**Acute Effects - Severe With Short Duration**

***Gasoline AND Diesel:***

- Causes slight to moderate *eye* irritation.
- Moderately irritating to the *skin*; causes redness, edema, or drying of the skin.

***Gasoline:***

- May cause dizziness; irritation of eyes, nose and throat; vomiting; and bluish color of the skin.
- To the *central nervous system*, may cause contracted pupils loss of reflexes, convulsions, seizures, sudden loss of consciousness, coma, and sudden death.
- Other symptoms are: Headaches, mental confusion and depression, flushing of the face, loss of appetite, nausea, slurred speech, and difficulty in swallowing.

***Diesel:***

- Inhaling high concentrations of diesel vapors may cause drowsiness or unconsciousness (narcosis).

**Chronic Effects - Severe With Long Duration**

Recent studies with laboratory animals have shown that diesel and gasoline vapors cause kidney cancer in mice.

**IMPORTANT NOTICE**

**This FIRE SAFETY TRAINING BROCHURE meets all requirements of Oregon Administrative Rules, Chapter 837, Division 20 and the Flammable Liquids Dispensing Regulations, ORS 480.345.**

**Please read and provide this information to all employees who are authorized to dispense fuel prior to dispensing. This brochure contains important information for those who operate nonretail fuel dispensing equipment.**

**RETURN the tear-off portion, signed and dated with the account number, to your cardlock operator to show compliance with Oregon laws.**



**MINUTES**  
**KEIZER CITY COUNCIL**  
**Monday, July 16, 2018**  
**Keizer Civic Center, Council Chambers**  
**Keizer, Oregon**

**CALL TO ORDER**

Council President Parsons called the meeting to order at 7:00 pm. Roll call was taken as follows:

**Present:**

Marlene Parsons, Councilor  
Kim Freeman, Councilor  
Amy Ryan, Councilor  
Laura Reid, Councilor  
Bruce Anderson, Councilor  
Roland Herrera, Councilor

**Staff:**

Chris Eppley, City Manager  
Shannon Johnson, City Attorney  
Nate Brown, Community Development  
John Teague, Police Chief  
Tim Wood, Finance Director  
Tracy Davis, City Recorder

**Absent:**

Cathy Clark, Mayor

**FLAG SALUTE**

Council President Parsons led the pledge of allegiance.

**SPECIAL ORDERS  
OF BUSINESS**

**a. Volunteer of  
the Quarter  
Award**

*Kris Adams* and *Rhonda Rich* from the West Keizer Neighborhood Association and *Meredith Mooney*, west Keizer resident, expressed gratitude for the tireless efforts of Richard Boyes in keeping Keizer free of litter and voiced support for giving him the Volunteer of the Quarter Award.

Council President Parsons presented Mr. Boyes the award.

**COMMITTEE  
REPORTS**

*Clint Holland*, Keizer, gave the Parks Board report noting that matching grants were given to the Rickman Community Garden to solarize the greenhouse and to Hidden Creek Homeowners Association to irrigate a portion of Hidden Creek Park. He summarized board member park reports for various parks, provided detailed information about proposed improvements for the Keizer Little League Park, and announced National Night Out and Amphitheater concerts at Keizer Rapids Park.

**PUBLIC  
TESTIMONY**

*Clint Holland*, Keizer, and *Krina Lee*, Salem Keizer Education Foundation, explained that the demand for sports facilities is extremely high and that sports are important to the health and welfare of our children and the community. They reported that they are working with Claggett Creek Middle School to repair and restore the fields and asked that the City commit to watering them and keeping them in good condition once the work is completed. Discussion followed regarding usage of the fields,

details of the property, improving the fields at Cummings, giving Keizer teams priority, and water costs.

*Meredith Mooney*, Keizer United, explained that the organization is growing and provided details on collaboration efforts.

*Tom and Sheryl Bauer*, Keizer, explained that a bullet shot from the Polk County side of the river came into their kitchen on June 2<sup>nd</sup>. They thanked Council for their ongoing efforts to remedy this problem, reported that they had attended the recent Polk County Commissioners meeting and noted that they will continue their efforts to do everything possible to stop the gun fire from Polk County.

*Rhonda Rich, Maghan Casto, Barb Smith, Marlene Moore, Terry Moore, Frankie Miller, Carolyn Homan, Shirley DeShon, Darrell Richardson, Dan Dietz, Barb Smith and John Hinkey* provided information on what they had been doing to remedy the shooting problem and urged that every possible effort be made to stop it. Ms. Homan read into the record a letter submitted by *Carol Doerfler*, President of the West Keizer Neighborhood Association. City Manager Chris Eppley explained the effective levels to bring about change: (1) property owner, (2) Polk County, and (3) possibly the State.

## **PUBLIC HEARINGS** *Council President Parsons opened the Public Hearing.*

### **a. Keizer Development Code Text Amendment – Sign Code – KDC 2.308**

Community Development Director Nate Brown summarized his staff report and urged Council to consider what they admire in other cities, their quality of life and balancing good aesthetic standards and the needs of the community before deciding upon this issue.

Discussion followed regarding electronic billboards, sign content, window signs, electronic message signs, and the history of the sign code.

*Jonathan Thompson*, Keizer Chamber Government Affairs Chair, representing the 400+ members, announced that the Chamber supports the proposal as passed by the Planning Commission.

*Hearing no further testimony, Council President Parsons closed the Public Hearing.*

Councilor Freeman moved that Keizer City Council direct staff to prepare an ordinance with the exception of the electronic message sign interval to be 15 seconds instead of 60 seconds. Councilor Anderson seconded.

Motion passed as follows:

AYES: Reid, Freeman, Parsons, Herrera, Ryan and Anderson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Clark (1)

**b. RESOLUTION -  
Authorization for  
Supplemental  
Budget – Phone  
System Upgrade**

*Council President Parsons opened the Public Hearing.*

Finance Director Tim Wood summarized his staff report.

*Hearing no further testimony, Council President Parsons closed the Public Hearing.*

Councilor Freeman moved that the Keizer City Council adopt a Resolution Authorization for Supplemental Budget – Phone System Upgrade. Councilor Anderson seconded. Motion passed as follows:

AYES: Reid, Freeman, Parsons, Herrera, Ryan and Anderson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Clark (1)

**ADMINISTRATIVE  
ACTION**

**a. Keizer Little  
League Update  
– 2017  
Financial  
Review**

Finance Director Tim Wood reviewed his staff report.

*Brad Arnsmeier*, Keizer, Keizer Little League President, thanked everyone for their efforts in getting through this process, reviewed improvements that have been made at the complex and urged Council to approve the requested contract amendments. Discussion followed regarding slot fees, proceeds from concessions, and tournament revenues.

Councilor Freeman moved that the Keizer City Council direct staff to prepare a resolution for Keizer Little League to pay back the slot fees for 2017. Councilor Herrera seconded.

Discussion followed regarding details of the payback.

Councilor Freeman amended her motion to include that the money would be transferred to the complex account within 10 days. Councilor Herrera accepted the amendment.

Councilor Ryan offered a friendly amendment to forgive the debt because of all the volunteer hours that have gone into the park. Councilors Freeman and Herrera did not accept the amendment.

Motion passed as follows:

AYES: Reid, Freeman, Parsons, Herrera and Anderson (5)

NAYS: Ryan (1)

ABSTENTIONS: None (0)

ABSENT: Clark (1)

Councilor Freeman moved that the Keizer City Council direct staff to amend the current contract to allow the contract holder to keep 50% of the net concession revenue and all of the net tournament revenue. Councilor Herrera seconded. Motion passed as follows:

AYES: Reid, Freeman, Parsons, Herrera, Ryan and Anderson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Clark (1)

Chris Eppley urged that the financial review be coordinated with the City Finance Director every year.

**b. Waiver of  
Community  
Center Fee –  
Mid Willamette  
Valley Council of  
Governments  
Annual  
Business  
Dinner Meeting  
and Dinner**

Chris Eppley summarized his staff report and asked Council to consider one of the options listed.

Councilor Freeman moved that the Keizer City Council waive the room rental fee, security/cleaning deposit, and the general liability insurance policy requirement but charge \$180 for staffing costs and \$150 for alcohol security (Option #3), for a total cost of \$330. Councilor Anderson seconded. Motion passed as follows:

AYES: Reid, Freeman, Parsons, Herrera, Ryan and Anderson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Clark (1)

**c. RESOLUTION –  
Requesting  
Polk County  
Board of  
Commissioners  
to End Firearm  
Discharge and  
Enact Local  
Legislation**

*Taken out of order* (following public testimony regarding same).

Councilor Freeman moved that Keizer City Council adopt a Resolution Requesting Polk County Board of Commissioners to End Firearm Discharge and Enact Local Legislation and Take Other Action to Prohibit the Discharge of Firearms at Property Located at or Near 4000 River Bend Road NW, Salem, Oregon. Councilor Anderson seconded. Motion passed as follows:

AYES: Reid, Freeman, Parsons, Herrera, Ryan and Anderson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Clark (1)

**CONSENT  
CALENDAR**

a. Approval of July 2, 2018 City Council Regular Session Minutes

Councilor Freeman moved for approval of the Consent Calendar. Councilor Anderson seconded. Motion passed as follows:

AYES: Reid, Freeman, Parsons, Anderson, Herrera and Ryan (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Clark (1)

**COUNCIL  
LIAISON  
REPORTS**

Councilor Ryan announced the upcoming Public Art Commission meeting.

Councilor Reid reported on the Marion County Fair and announced upcoming Homegrown Theater performances and the cancellation of Keizer Festivals Advisory Board and Stormwater Advisory Committee meetings.

Councilor Freeman announced that National Night Out is August 7 and reported that her committee meetings had been cancelled.

Councilor Herrera reported on the Chamber luncheon, the amphitheater



## OTHER BUSINESS

concert, and Keizer United and announced Keizer Points of Interest Committee meeting and the CAPACES Leadership panel in Woodburn.

Councilor Anderson shared additional information from the Keizer Chamber luncheon and announced the dates for the next community dinner, Christmas tree lighting, and Iris Festival. He provide information on the topics for Community Conversations and urged that the homelessness issue address how businesses can participate.

Councilor Parsons reported that the Marion County Commissioner breakfast and Keizer Festivals Advisory Board had been cancelled.

Chris Eppley summarized an additional staff report which brought a request to Council from the family of Wally Mull to waive Community Center fees for a Celebration of Life event.

Councilor Freeman moved to suspend the rules in order to consider this issue. Councilor Anderson seconded. Motion passed as follows:

AYES: Reid, Freeman, Parsons, Anderson, Herrera and Ryan (6)  
NAYS: None (0)  
ABSTENTIONS: None (0)  
ABSENT: Clark (1)

Councilor Freeman moved that the Keizer City Council grant the request for a complete waiver of all fees (fees include rental fee, staffing costs, security/cleaning deposit, and alcohol security) plus a waiver of the general liability insurance policy requirement (option #1). Councilor Anderson seconded.

Councilor Reid offered a friendly amendment to include a charge for the alcohol security deposit. Councilor Freeman did not accept the amendment.

Motion passed as follows:

AYES: Reid, Freeman, Parsons, Anderson, Herrera and Ryan (6)  
NAYS: None (0)  
ABSTENTIONS: None (0)  
ABSENT: Clark (1)

Chief Teague announced National Night Out registration deadline and reported that Blast Camp will take place this week. It is run by donations (except for staff time) with 37 volunteers. This year it sold out in 8 hours. He also announced that a year ago Cynthia Martinez went missing from Tequila Nights and is still missing. Rewards are available for information leading to finding her.

Public Works Director Bill Lawyer announced that the Meadows play structure will be open for play when the fence is removed. He also provided explanation regarding the fire at the Meadows pump house.

**WRITTEN  
COMMUNICATIONS**

Council President Parsons read a posting from the Keizer Facebook page commending work done by the Parks Department and a letter from Al and Carol McCann regarding the shooting across the river.

**AGENDA INPUT**

**August 6, 2018:** 7:00 p.m. City Council Regular Session

**August 13, 2018:** 5:45 p.m. – City Council Work Session

**August 20, 2018:** 7:00 p.m. City Council Regular Session

**ADJOURNMENT**

Mayor Clark adjourned the meeting at 10:07 p.m.

MAYOR:

APPROVED:

~ Absent ~

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

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