



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

July 19, 2006



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment  
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 4, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Steve Oulman, DLCD Transportation Planner  
Sam Litke, City of Keizer

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**2 Notice of Adoption**

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF  
JUL 17 2006  
LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: City of Keizer Local file number: \_\_\_\_\_  
Date of Adoption: 7/10/2006 Date Mailed: 7/14/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 2/23/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

- 1. Section 2.303 (Off-Street Parking and Loading) includes number of textual changes, clarifications, and revisions to parking space requirement matrix.**
- 2. Section 2.309 (Site and Landscaping Design) includes grammatical changes and revisions to be consistent with other applicable sections of code.**
- 3. Section 2.312 (Yard and Lot Standards) code clarification changes.**
- 4. Section 3.111 (Text Amendments) changes to criteria used in leg. amendments**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

- 1. Includes many of the comments from DLCD staff**
- 2. Significantly the same with only minor changes**
- 3. Same**
- 4. Same**

Plan Map Changed from: NA to: NA

Zone Map Changed from: NA to: NA

Location: NA Acres Involved: NA

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: NA

Was an Exception Adopted?  YES  NO

DLCD File No.: 001-06 (15037)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing?**  Yes  No  
If no, do the statewide planning goals apply?  Yes  No  
If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

**NA**

Local Contact: **Sam Litke, Senior Planner** Phone: **(503) 856-3442** Extension: \_\_\_\_\_  
Address: **930 Chemawa Rd** City: **Keizer**  
Zip Code + 4: **97303-** Email Address: **litkes@keizer.org**

### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

## **2.303 OFF-STREET PARKING AND LOADING**

### **2.303.01 Purpose**

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Keizer. (5/98)

### **2.303.02 Scope**

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

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

### **2.303.03 General Provisions Off-Street Parking and Loading**

- A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. (5/98)
- B. Additional Parking Required Prior to Occupancy. Should the owner or occupant of any lot or building change the use to which the lot or building is ~~put~~ used, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed. (5/98)
- C. Interpretation by Administrator. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. The Zoning Administrator shall

have the authority to make adjustments based on parking demand analysis prepared by an applicant. (5/98)

- D. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.303.05. (5/98)
- E. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials including solid waste collection containers. Garages for single family and duplex dwelling units shall not be counted in determining required parking spaces. (5/98)

#### **2.303.04 Location and Use Provisions**

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

- A. Residential Zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded; (5/98)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the ~~main building, structure or use~~ if it is within 500 feet of such site and a parking agreement is recorded. (5/98)
- C. Accessory Parking Use, Non-residential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in non-residential zones ~~provided all of the vehicles are owned by the owner or lessee of the lot~~. (5/98)
- D. Accessory Parking Use, Residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided: (5/98)
  - 1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)
  - 2. Vehicles parked outdoors in a residential zone may be parked in a space within the front yard meeting the requirements for required parking in this Section. In the RS zone ~~not more than three vehicles shall be parked within the required yard adjacent to a street, and no more than four total vehicles shall be parked outdoors on a property~~. (5/98)

3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided that in the RS, RL, RM, RH, RC and MU zones the vehicle shall be parked in an enclosed structure if it is rated at more than 1 ton capacity. (5/98)

E. Yard Parking Restrictions. Exclusive of driveways, no parking vehicles, trailers, boats, or recreational vehicles shall be allowed placed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles, boats, trailers, or recreational vehicles unless otherwise prohibited by this Ordinance. (5/98)

F. Storage Restrictions. The yard areas adjacent to a street, other than driveways, shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles, unless the storage area is screened by a six foot sight-obscuring fence, wall, or hedge. The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (5/98)

**2.303.05 Joint Use**

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to Zoning Administrator's approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. (5/98)

**2.303.06 Off-Street Automobile Parking Requirements**

Off-street parking shall be provided in the amount not less than listed below. (5/98)

A. Parking Requirements

LAND USE ACTIVITY	SPACES	HOW MEASURED*
Single Family and Duplex	2 +1	2 per dwelling unit on-site and 1 per dwelling unit provided either on-site or on-street within 200 feet of the property or in a parking lot or bay within 200 feet of the property. (See Illustrations below)
All other dwelling types	2	Per dwelling unit

Hotel, motel	1	Per guest room
Club, lodge		Combination of heaviest uses being conducted: hotel, restaurant, etc.
Hospital, <del>nursing home</del> , convalescent home	1	Per 2 beds
<u>Nursing home, convalescent home</u>	<u>1</u>	<u>Per 3 beds</u>
<u>Health service, medical or doctor's office</u>	<u>1</u>	<u>Per 350 square feet</u>
House of worship, auditorium, stadium, theater	1	Per 4 seats or every 8 feet of bench length
Elementary, middle school	<u>2 + 1</u>	<u>Per classroom + per 350 sq ft of administrative office</u>
High school	<u>1 + 1+ 1</u>	<u>Per classroom + per 10 students + per 350 sq ft of administrative office</u>
Bowling alley, skating rink, community center, <u>recreation facility</u>	1	Per 200 square feet
<u>Golf course</u>	<u>4</u>	<u>Per green</u>
<u>Theater for movies or plays</u>	<u>1</u>	<u>Per 3 seats</u>
<u>Tennis courts, racquetball courts</u>	<u>2</u>	<u>Per court</u>
Retail store	1	Per 300 square feet
Service repair center; retail store handling bulky merchandise (e.g. furniture, home furnishing, major equipment)	1	Per 900 square feet
Bank, <del>offices</del> , <del>medical clinic</del>	1	Per <del>300</del> <u>250</u> square feet
<u>Office used for real estate, lawyer, insurance, brokers,</u>	<u>1</u>	<u>Per <del>300</del> 500square feet</u>
<u>General Office</u>	<u>1</u>	<u>Per 300 square feet</u>
Eating and drinking establishment	1	Per <del>250</del> <u>125</u> square feet

Wholesale establishment	1 + 1	Per 1,000 square feet + Per 700 square feet of retail 2,000 sq ft
Government offices open to the general public	1	Per 600 500 square feet
Industrial, manufacturing, processing (0 - 24,999 sf)	1	Per 700 1,000 square feet
Industrial, manufacturing, processing (25,000 - 49,999 sf)	1	Per 800 1,000 square feet
Industrial, manufacturing, processing (50,000 - 79,999 sf)	1	Per 1,000 square feet
Industrial, manufacturing, processing (80,000 - 199,999 sf)	1	Per 2,000 square feet
Industrial, manufacturing, processing (200,000 sf and over)	1	Per 3,000 square feet
Warehousing and storage terminals 0 - 49,999 sf	1	Per 2,000 square feet
Warehousing and storage terminals 50,000 sf and over	1	Per 5,000 square feet

\*Square footage = Gross floor area. (5/98)

B. Parking Reduction

The number of minimum required parking spaces may be reduced by up to 10% if transit related amenities such as if a portion of the to redevelop the existing parking area site is developed for transit related uses that such amenities as including transit stops, pull-outs, shelters, park and ride lots, transit oriented developments and similar facilities where appropriate and is. The redevelopment area shall be when abutting a street with transit service are provided. (5/98)

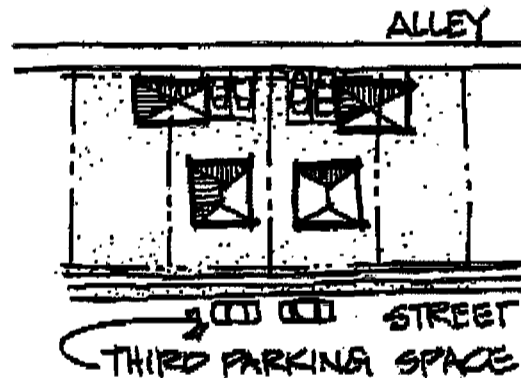


FIGURE 168110 \H 459  
3.210.03 P - 3<sup>rd</sup> Parking Space on Alley

C. Parking Increase

The number of minimum required parking spaces shall not be increased by more than 50%. (5/98)



**2.303.07 Standards for Disabled Person Parking Spaces**

Disabled Person Parking Spaces shall comply with the requirements of the Uniform Building Code and ODOT standards. (5/98)

**2.303.08 Bicycle Parking**

- A Bicycle Parking Required. Bicycle Parking shall be required in all public and semi-public, commercial and industrial development as well as park-and-ride lots. Bicycle parking shall be provided in the following amounts: (5/98)

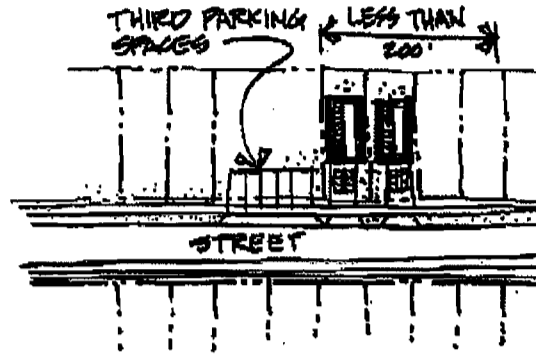


Figure Requirements  
PAGEREF\_Toc - 3<sup>rd</sup> Parking  
Space in Parking Bay

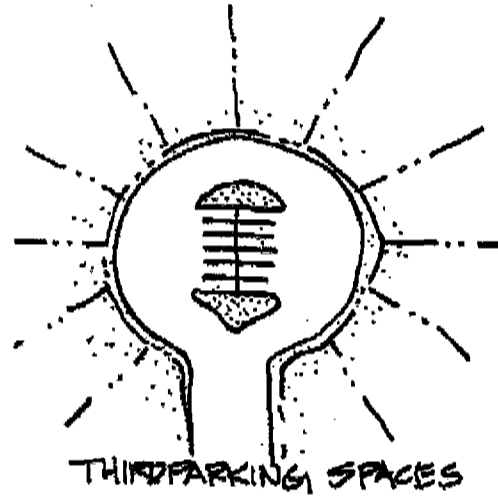


Figure 3.210.02 Applicability  
and - 3<sup>rd</sup> Parking Space in Cul-

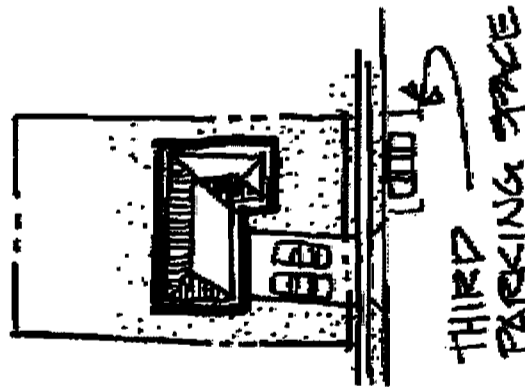


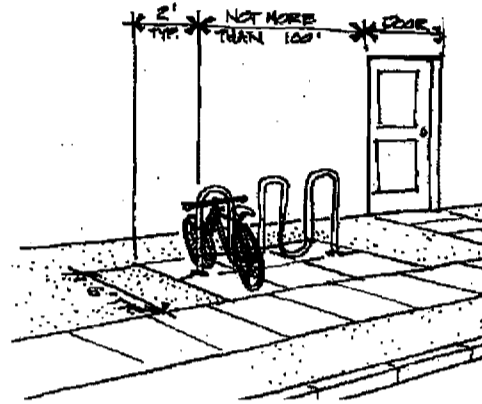
FIGURE GEREf\_Toc168109 \H 459  
- 3<sup>rd</sup> Park Space Provided On-Street

LAND USE ACTIVITY	BICYCLE SPACES	HOW MEASURED
<u>Multi-family apartments with 4 or more units</u>	<u>1</u>	<u>Per 2 units</u>
Hotel, motel	1	Per 40 guest rooms
Hospital, nursing home, convalescent home	1	Per 40 <u>50</u> beds
House of worship, auditorium, stadium, theater	1	Per 20 required vehicle parking spaces
Elementary school	1	Per classroom with a maximum of 10 required
Middle school	1	Per classroom with a maximum of 10 required
High school	1	Per classroom with a maximum of 10 required
Bowling center, skating rink, community center	1	Per 40 required vehicle parking spaces with a maximum of 6 required
Retail store	1	Per 10 required vehicle parking spaces with a maximum of 6 required
Service repair center; retail store handling bulky merchandise (e.g. furniture)	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Bank, offices, medical clinic, government offices	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Eating and drinking establishment	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Wholesale establishment	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Industrial, manufacturing, processing	1	Per 30 required vehicle parking spaces
Warehousing and storage terminals	1	Per 30 required vehicle parking spaces

B. Bicycle Parking Development Requirements

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

2. Location. All bicycle parking areas shall be within ~~400~~ 50 feet of a building entrance and located within a well-lit area. (5/98)



3. Rack Design. Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. (5/98)
4. Access. Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)

**FIGURE 459**

C. Exemptions

The following uses are exempt from the bicycle parking requirements: (5/98)

1. Seasonal or temporary businesses. (5/98)
2. Drive-in theaters
3. Self-storage facilities
4. Automobile oriented businesses such as automobile service stations, automobile repair shops, restaurants without seating facilities (either indoors or outdoors), or oil and lubrication services, but excluding automobile retail businesses such as dealers or auto parts stores. (5/98)

### **2.303.09 Carpool and Vanpool Parking**

New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created. (5/98)

### **2.303.10 Off-Street Loading Requirements**

Off-street loading space shall be provided as listed below: (5/98)

- A. Commercial Office. Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts: for buildings over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)
- B. Commercial and Industrial. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)

### **2.303.11 Parking and Loading Area Development Requirements**

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

- A. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface built to Department of Public Works standards. (5/98)
- B. Parking Spaces
  - 1. Dimensions. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.

2. **Compact Spaces.** Compact parking spaces, at a reduced width of 8.5 feet, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space."

**C. Aisle**

The following minimum aisle dimensions shall apply: (5/98)

1. Without adjacent parking:
  - a. Single family residence: 12 feet
  - b. One-way: 12 feet
  - c. Two-way: 22 feet
2. With adjacent parking: (5/98)

PARKING ANGLE	DRIVEWAY Aisle WIDTH
0 to 40	12-14 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

- D. **Screening.** When any public parking or loading area is within or abuts a residential zone along a side or rear lot line, the parking or loading area shall be screened or buffered as is required in Section 2.309.05 separated from the lot line by a 20-foot landscaped yard, or shall be screened from the residential property with an ornamental fencing or wall of at least 4 feet in height. (5/98)

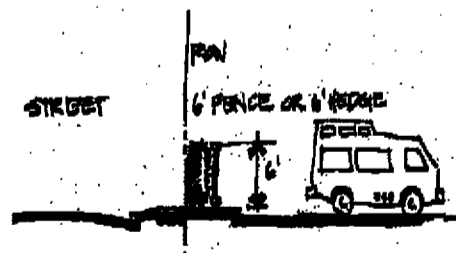


Figure E PAGEREF  
Toc168108 1h - Parking Lot

- E. **Lighting.** All lighting shall be directed entirely onto the

loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way. (5/98)

F. Landscaping. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building. The planting space shall measure no less than 4 feet square and be surrounded by concrete curbing. The plant shall be of a species that the root system will not interfere with underground utilities or the parking surface, and, is capable of achieving a 15 foot radius. The specific planting enclosure and appropriate tree selection will be provided by the City. (5/98)

G. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)

H. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)

I. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. (5/98)

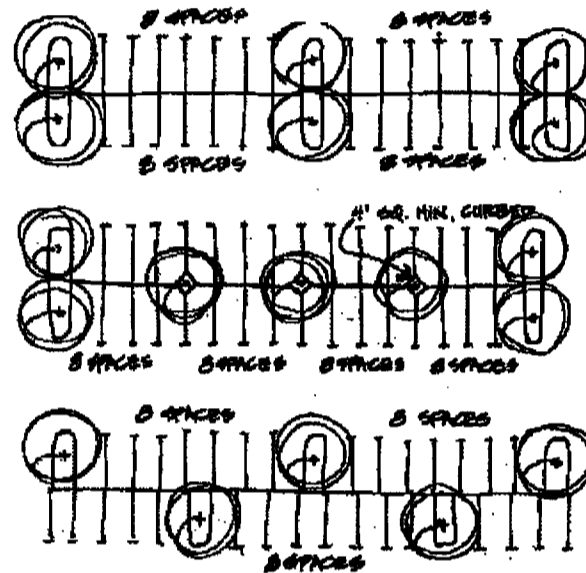


Figure 0 PRE-APPLICATION CONFERENCE - Parking Lot Tree Siting

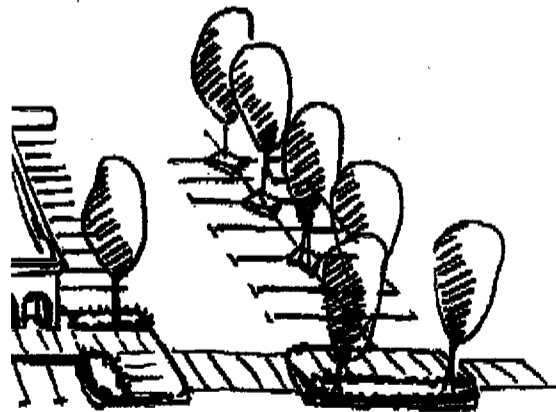


FIGURE F\_Toc168107\H 459 3.21 - Parking Lot Landscaping

## **2.309 SITE AND LANDSCAPING DESIGN**

### **2.309.01 Purpose**

The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; and provides for buffer and screening of conflicting land uses.

A. ~~Landscaping Guidelines. To guide the planting and maintenance of landscaping materials. (5/98)~~

B. ~~Appearance. To enhance the appearance of the City, provide areas for outdoor recreation and to: (5/98)~~

1. ~~Provide shade and windbreaks where appropriate to conserve energy in building and site design; (5/98)~~

2. ~~Buffer and screen conflicting land uses; (5/98)~~

3. ~~Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface. (5/98)~~

4. ~~Promote public safety through appropriate design principles. (5/98)~~

C. ~~Erosion control. To prevent or reduce erosion potential on steep terrain by providing appropriate landscape materials. (5/98)~~

### **2.309.02 Scope**

A. ~~Landscaping Required. All new construction, expansion of, or redevelopment of structures including interior remodeling as specified as Section 2.315, or parking lots for commercial, multi-family, or industrial uses shall be subject to the site and landscaping requirements of this Section. ~~No building permit shall be issued for new construction or for additions to existing buildings without compliance with this Section. (5/98)~~~~

B. ~~Site Development Landscape Plan Review. Landscaping plans shall be submitted for review required by the Site Development Review shall be subject to the procedures of this Section and subject to Type 1-A review procedures set forth in section 3.2. (5/98)~~

Code revision

Approved by Council Red is new changes adopted by CC

Page 1 of 8

- C. Tree Plan. A tree plan in accordance with section 2.309.04.B.7 is required with all Type II and III applications and the following Type I applications: Conditional Use and Partitioning. (5/98)

### **2.309.03 Minimum Area Requirements**

Landscaped areas may include landscaping around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. ~~The following area requirements shall be:~~ The minimum areas devoted to landscaping are established within the applicable zone district the property is located in. (5/98)

- A. ~~Multi-Family Developments. A minimum of 25% of the gross land area shall be devoted to landscaping in multi-family developments. Interior courtyards, atriums, solar greenhouses and roof gardens may be included with general landscaped areas in the calculation of this percentage.~~ (5/98)
- B. ~~Mixed Used Developments. A minimum of 15% of the gross land area shall be devoted to landscaping in mixed use combining commercial and residential development. Otherwise, single uses in the MU and CM zones are subject to the landscaping requirements for that type of use.~~ (5/98)
- C. ~~Commercial developments. A minimum of 10% of the gross land area shall be devoted to landscaping in commercial developments.~~ (5/98)
- D. ~~Industrial Developments. A minimum of 10% of the gross land area shall be devoted to landscaping in industrial developments.~~ (5/98)
- E. Expansions. For ~~expansions~~ addition (s) onto an an existing development\_s including interior remodeling as specified an Section 3.15, and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development, as noted above. This provision is not intended to include phase construction within a development. (5/98)

Code revision

Approved by Council Red is new changes adopted by CC

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## **2.309.04 General Provisions**

A. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in a mixture of landscaping elements to include such things as lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance. Landscaping shall be designed, planted, and maintained in accordance with professional landscaping standards. Landscaping installed over asphalt shall be prohibited.<sup>(5/98)</sup>

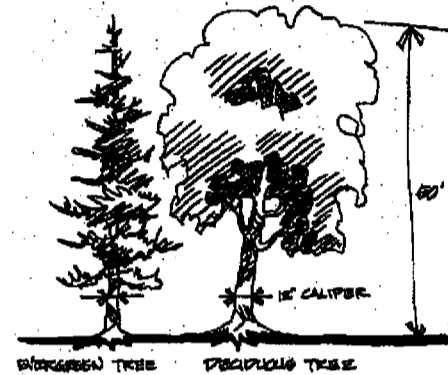


FIGURE 68105 VH 459  
3.209.04 Cr – Significant  
Trees

B. Submittal Requirements. A submitted landscaping plan shall include the following: <sup>(5/98)</sup>

1. Type, variety, scale and number of plants used; <sup>(5/98)</sup>
2. Placement and spacing of plants; <sup>(5/98)</sup>
3. Size and location of landscaped areas; <sup>(5/98)</sup>
4. Contouring, shaping and preparation of landscaped areas; <sup>(5/98)</sup>
5. Use and placement of non-plant elements within the landscaping. <sup>(5/98)</sup>
6. Method of irrigation. <sup>(5/98)</sup>
7. Location, and identification of any trees, both existing and planned consistent with 2.309.04.C.

### 7. Significant Trees. <sup>(5/98)</sup>

- a. On the Landscaping Plan ~~of~~ the existing significant trees identified by their common names, along with the size of such significant trees. Existing significant trees shall include any trees which were removed within the ~~one~~ two-year period prior to the date the application was first submitted shall be shown on the landscape plan. <sup>(5/98)</sup>

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- b. Which significant trees are proposed to be removed, or have been removed within the past two years. (5/98)
- c. Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees. (5/98)
- d. Location, size and type of replacement trees proposed to be added, if any. (5/98)

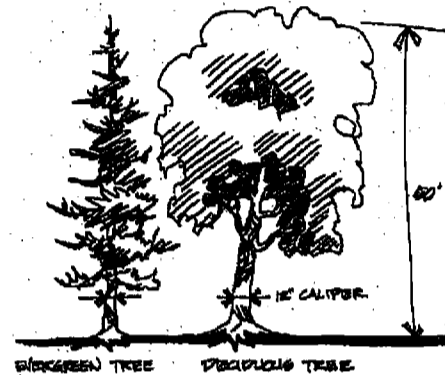


FIGURE 68105 \H 459  
3.209.04 Cr – Significant Trees

B. Significant Trees. (5/98) As used herein, "significant trees" are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches diameter at breast height (5 feet above ground level). (5/98)

~~e. As used herein, "significant trees" are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches at ground level.~~ (5/98)

f a. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature significant trees. Depending on these factors, ~~the City of Keizer may require~~ removal of mature significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is shall be a condition of a land use approval or a building permit. The City may require that significant trees that are removed (including trees removed within the one two year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed or less if a tree specimen which will result in an increased tree size is planted. Replacement trees shall have a trunk, when measured at six (6) inches above ground level, of at least ~~one and one quarter (1¼)~~ two (2) inches when planted, and shall be a type that will be at least twelve (12) inches in

diameter at breast height (5 feet above ground level) when fully mature. (5/98)

g.b. The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right-of-way

C. Existing Vegetation. The landscape design shall also incorporate as much of the existing significant trees and desirable vegetation preserved on the site as is possible. (5/98)

### **2.309.05 Screening and Buffering**

A. Screening and Buffering. Screening and buffering shall be used to eliminate or reduce the visual impacts of the following uses: (5/98)

1. Commercial and industrial uses when abutting residential uses. (5/98)
2. Industrial uses when abutting commercial uses. (5/98)
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)
4. Outdoor storage areas. (5/98)
5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses. (5/98)
6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners. (5/98)
7. Shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses.

B. ~~Screening. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.~~ (5/98)

~~C. Buffering. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses.~~

B. Where screening or buffering is determined to be necessary, one of the following buffering alternatives shall be employed: (5/98)

1. ~~Planting Area:~~ Width not less than 15 feet, shall be planted with the following materials: (5/98)

a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart. (5/98)

b. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting. (5/98)

c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area. (5/98)

2. ~~Berm Plus Planting Area:~~ Width not less than 10 feet, shall be developed in accordance with the following standards: (5/98)

a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary. (5/98)

b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use. (5/98)

c. The combined total height of the berm and hedge shall be not less than five feet. (5/98)

3. ~~Wall Plus Planting Area:~~ Width must not be less than five feet shall be developed in accordance with the following standards: (5/98)

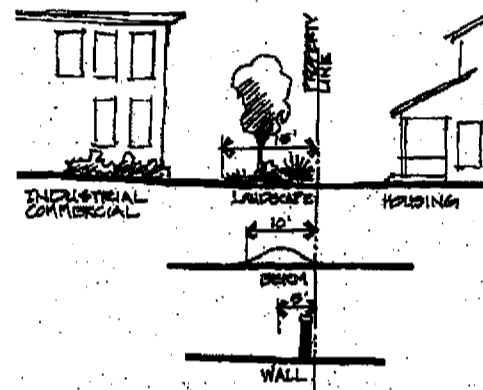


Figure Revocation PAGEREF  
\_Toc1 – Alternative Buffering  
Techniques

- a. A masonry wall or sight-obscuring fence not including vinyl slatted chain link fences not less than five six feet in height. In addition, a fence shall be maintained in a safe and attractive manner. (5/98)
  - b. A mixture of L lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area. (5/98)
4. Other alternative methods which produce an adequate screening or buffering considering the nature of the impacts to be mitigated, may be as approved by the City Zoning Administrator. (5/98)

**2.309.06 Planting and Maintenance**

- A. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance. (5/98)
- B. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walkways, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 15 feet over streets and vehicular traffic areas. (5/98)
- C. Utility Interference. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground. (5/98)
- D. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic. (5/98)
- E. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, free from defects, diseases, and infections. (5/98)
- F. Deciduous Trees. Deciduous trees should be fully branched, shall have a minimum caliper of 4-1/4 2 inches, and a minimum height of 8 feet at the time of planting. (5/98)

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- G. Evergreen Trees. Evergreen trees shall be a minimum of 6 feet in height, and fully branched at time of planting. (5/98)
- H. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches. (5/98)
- I. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container, ~~or a 2 1/4 inch container or equivalent if planted 18 inches on center.~~ (5/98)
- J. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials unless otherwise approved by the Zoning Administrator. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. (5/98)
- K. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is ultimately the responsibility of the property owner. (5/98)
- L. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property. (5/98)
- M. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods. (5/98)

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## **2.312 YARD AND LOT STANDARDS**

### **2.312.01 Lot Coverage, Generally**

Specific standards for lot size or area, for lot dimensions, and for lot coverage are set forth in the applicable zone. Where a standard for lot coverage is expressed as a percentage, such standard means the percentage of total lot area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area (such as pet shelters, play houses, etc.) shall not be included in calculating lot coverage. (5/98)

### **2.312.02 Yards and Yard Area, Generally**

- A. Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (5/98)
- B. Yards to be Unobstructed. A "required yard" is the minimum required setback area between a structure or ~~mobile home~~ manufactured dwelling and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every required yard or setback area shall be open and unobstructed by buildings, or structures from the ground to the sky except for those exceptions permitted in this Section. (5/98)
- C. ~~Yard Areas not to be Reduced. No lot shall be so reduced or diminished that the required yards or other open space shall be smaller than prescribed by this zoning ordinance.~~ (5/98)

### **2.312.03 Separation of Lot or Yard Areas**

- A. Reduction in Lot Area. Except as provided in 2.312.03.C., no portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing the dwelling units is located. (5/98)
- B. Separation of Required Yards. Except as provided in 2.312.03.C., no required yard or other open space around an existing building shall be separated in ownership from the lot upon which the building is located. (5/98)

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- C. Exceptions. In a planned unit development building setbacks and yard areas, open space, and other areas without buildings established pursuant to the standards and the requirements of this Ordinance may be part of a lot containing a dwelling if the area is not common area or other area required to be located within a lot owned by the homeowner's association. (5/98)

**2.312.04 Special Street Setbacks**

- A. Purpose. The special setbacks in this section are based upon the functional classification of streets and roads as described in the comprehensive plan. The purpose of these special setbacks is to allow for permit the eventual expansion or improvement of streets and roads in order to safely accommodate vehicular or pedestrian traffic. The special setback shall be measured from the centerline of the street right-of-way are as noted in 2.312.04.D. (5/98)
- B. Setback Requirements. Required yards and setbacks adjacent to a street shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way. (5/98)
- C. Special Provisions. Except as provided herein structures and paved surfaces shall not be located within the special setbacks specified in 2.312.04.D C., below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a nonconforming structure. (5/98)
- D. Special setback requirements: (5/98)

FUNCTIONAL CLASSIFICATION	SPECIAL SETBACK
Major Arterial	36 feet
Minor Arterial	34 feet
Collector	34 feet
Local Street III*	24 feet
Local Street II*	23 feet
Local Street I*	22 feet
Cul-de-Sac	See equivalent Local Street requirement

\* See functional classification in Section 2.302.04



**2.312.05 No Parking in Front Yard, Yards Adjacent to a Street**  
**MOVED TO 2.303.04**

- A. ~~Yard Parking Restrictions. Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Ordinance. (5/98)~~
- B. ~~Storage Restrictions. The yard areas adjacent to a street, other than driveways, shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles, unless the storage area is screened by a six foot sight-obscuring fence, wall, or hedge. The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (5/98)~~

**2.312.06 Front Yard Projections**

- A. ~~Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, ornamental features. However, not more than two from main buildings.~~
- B. ~~Uncovered porches and covered but unenclosed porches not more than one story high and which do not extend more than ten feet beyond the front walls of the building are exempt from the front yard setback provisions. (5/98)~~
- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required front yard not more than two feet. (5/98)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features, window projections and cantilevered second story portions of a building may project not more than two feet into a required front yard. (5/98)
- C. Decks and Patios. Uncovered porches and covered but unenclosed porches, or awnings that are not more than one story high may extend ten feet into the front yard setback.

**2.312.07 Side Yard Projections**

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required

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side yard not more than one-third of the width of the side yard, nor more than four feet in any case. (5/98)

- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than one and one-half feet into a required side yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three feet or less in height from ground level. (5/98)

### **2.312.08 Rear Yard Projections**

- A. Building Features. A fire escape, outside stairway, cornice, eaves, gutters or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard. (5/98)
- AB. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, and other ornamental features, window projection, and catileverd second story portions of the building, may project not more than two 1½ feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- ~~B. Building Features. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard. (5/98)~~ or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line. (5/98)
- C. ~~Steps, and Porches, d-Decks, and p Patios.~~ Planter boxes, steps, decks, patios, uncovered porches, and covered but unenclosed porches including covered patios when not more than one story high and the floors, which are not more than four feet 30 inches above grade, are exempt from the minimum rear yard depth requirements. These same features that are more than 30 inches above grade may encroach up to a maximum of ten feet into the rear yard setback area. (5/98)
- ~~D. Setbacks. No permitted projection into a required rear yard shall extend within ten feet of the center line of an alley or of a rear lot line if no alley exists. (5/98)~~

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- ~~E. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are three feet or less in height from ground level. (5/98)~~

### **2.312.09 Vision Clearance**

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect except where the intersection is controlled by a traffic signal. The vision clearance area shall conform to the following unless it is determined by the Keizer Traffic Engineer that other methods may be more feasible: (5/98)

- A. Generally. A vision clearance area is 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)

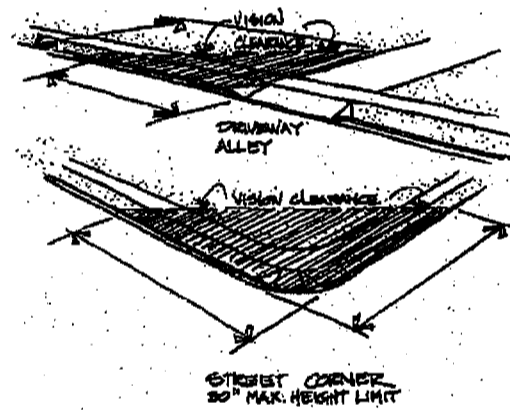


FIGURE 3.209.02 General Provision –

- B. Street-Driveway Intersection. A vision clearance area at the intersection of a street and a driveway shall be the triangular area established according to the following procedure: (5/98)
1. A line extending ten feet from the intersection along the public street right-of-way; (5/98)
  2. A line extending ten feet from the intersection along the driveway; (5/98)
  3. A third line that creates the triangular vision clearance area by connecting the ends of the lines described in (1 a) and (2 b), above. (5/98)

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- ~~C. Street-Alley Intersection. The vision clearance area shall be computed as above with legs of 10 feet in each direction. (5/98)~~
- DC. Street-Street Intersections, including intersections with and without major traffic controls, street-access easement, and street-alley intersections. The vision clearance area for street-street intersections without traffic signals or without stop signs on all approach legs shall be computed as above but with legs of 30 feet in each direction. (5/98)
- ~~E. Street-Street Intersections with major traffic controls. The vision clearance area for street-street intersections with traffic signals or with stop signs on all approach legs shall be computed as above with legs of 20 feet in each direction. (5/98)~~
- F.D Prohibited Development. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 30 inches ~~two and one-half feet~~ in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the vision clearance area: (5/98)
1. Trees, provided all branches and foliage are removed to a height of seven feet above grade; (5/98)
  2. Telephone, power, and cable television poles; and
  3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension. (5/98)

### **2.312.10 Fences, Walls and Hedges**

#### **A. Residential, Public and Semi-Public Uses**

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of any clear-vision clearance area identified in Section 2.312.09 and location to street requirements. A fence, wall, or hedge may not exceed eight feet in height without approval of a variance. Fences and walls shall not exceed a height of three and one-half feet along, and within ten feet of any

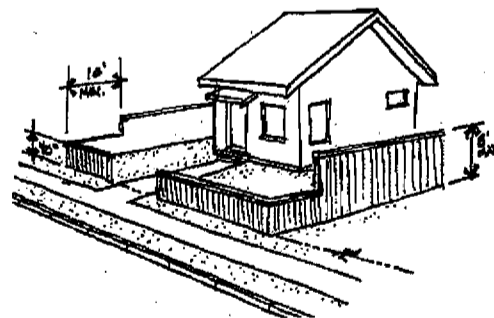


Figure AGEREF \_Toc168103 \h  
459 – Fence Standards

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property line adjacent to the street. A fence, or wall, may not exceed eight feet in height. A fence or wall over six feet in height will require a building permit. (5/98)

2. Construction material: Fences or walls constructed of ~~unsafe~~ the following materials, including, but not limited to barbed wire, electric fencing, broken glass, wooden pallets, tarps, corrugated metal, and spikes shall generally be prohibited. Agricultural uses may utilize electric and barbed wire fencing. (5/98)
- ~~3. Swimming pool requirements: All swimming pools shall be enclosed by a locking fence of six feet in height. A dwelling may be used to meet part of the enclosure requirement. No swimming pool or fence shall be located in a vision clearance area.~~ (5/98)
4. An entrance wall or gate to a subdivision, planned unit development or other residential development shall be permitted provided the wall or gate does not exceed six feet in height nor violate provisions of the vision clearance area. (5/98)

B. Commercial and Industrial Uses

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence, or wall, or hedge may not exceed 12 feet in height A fence or wall over six feet in height will require a building permit. ~~without approval of a variance.~~ (5/98)
2. Construction material: A conditional use shall be required for an electrical or barbed wire fence in the CM zone. Electric and barbed wire fencing shall be permitted in the ~~CG, IP~~ IG and ~~IP~~ AI zones. Barbed wire fencing shall be angled inward. (5/98)

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## **3.111 TEXT AMENDMENTS**

### **3.111.01 Purpose**

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map & text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in law. (2/01)

### **3.111.02 Process**

Amendments to the Comprehensive Plan and Development Ordinance texts shall be reviewed in accordance with Type IV procedures specified in Section 3.203. Type IV reviews shall also apply to Comprehensive Plan amendments and Zone Changes involving more than 5 adjacent land ownerships, or, non-adjacent properties. (2/01)

### **3.111.03 Application and Fee**

A Plan or Ordinance text amendment can ~~only~~ be initiated by staff, the Planning Commission or City Council. Upon initiation of an amendment ~~direction of either the Commission or Council~~, City staff shall establish a file and set a schedule to review the proposed changes before the Planning Commission and the City Council. No fee is required. (2/01)

### **3.111.04 Criteria for Approval**

Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with B, C, and D: (2/01)

- A. Impact of the proposed amendment on land use and development patterns within the city, as measured by: (5/98)
  - 1. Traffic generation and circulation patterns; (5/98)
  - 2. Population concentrations; (5/98)
  - 3. Demand for public facilities and services; (5/98)
  - 4. Maintenance of public health and safety; (5/98)
  - 5. Level of park and recreation facilities; (5/98)

6. Economic activities; (5/98)
  7. Protection and use of natural resources; (5/98)
  8. Natural hazards and constraints;
  9. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs. (5/98)
- B. A demonstrated need exists for the product of the proposed amendment. (5/98)
- C. The proposed amendment complies with all applicable Statewide Planning Goals and applicable administrative rule requirements. (5/98)
- D. The amendment is appropriate as measured by at least one of the following criteria: (5/98)
1. It corrects identified error(s) in the provisions of the plan. (5/98)
  2. It represents a logical implementation of the plan. (5/98)
  3. It is mandated by changes in federal, state, or local law. (5/98)
  4. It is otherwise deemed by the council to be desirable, appropriate, and proper. (5/98)

1 BILL NO. 521 A BILL ORDINANCE NO.  
 2 2006- 542  
 3 FOR  
 4  
 5 AN ORDINANCE  
 6  
 7

8 AMENDING KEIZER DEVELOPMENT CODE  
 9 REGARDING SECTION 2.303 (OFF-STREET  
 10 PARKING AND LOADING), SECTION 2.309 (SITE  
 11 AND LANDSCAPING DESIGN), SECTION 2.312  
 12 (YARD AND LOT STANDARDS), AND SECTION  
 13 3.111 (TEXT AMENDMENTS); AMENDING  
 14 ORDINANCE 98-389  
 15  
 16

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

19 WHEREAS, the City Council has held a hearing on this matter and considered the  
 20 testimony given and the recommendation of the Keizer Planning Commission; and

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

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

26

27



1 NOW, THEREFORE,

2 The City of Keizer ordains as follows:

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

5 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The  
6 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption  
7 of the changes to Section 2.303 (Off-Street Parking and Loading), Section 2.309 (Site  
8 and Landscaping Design), Section 2.312 (Yard and Lot Standards), and Section 3.111  
9 (Text Amendments) as set forth in Exhibit "B" attached hereto, and by this reference  
10 incorporated herein.

11 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,  
12 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or  
13 is denied acknowledgment by any court or board of competent jurisdiction, including,  
14 but not limited to the Land Use Board of Appeals, the Land Conservation and  
15 Development Commission and the Department of Land Conservation and Development,  
16 then such portion shall be deemed a separate, distinct, and independent provision and  
17 such holding shall not affect the validity of the remaining portions hereof.

18

19



**EXHIBIT "A"**

**FINDINGS REGARDING THE ADOPTION OF AMENDMENTS TO THE KEIZER DEVELOPMENT CODE (SECTION 2.303, OFF-STREET PARKING AND LOADING; SECTION 2.309, SITE AND LANDSCAPING DESIGN; SECTION 2.312, YARD AND LOT STANDARDS; AND, SECTION 3.111, TEXT AMENDMENTS)**

The review criteria is listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. **Impact of the proposed amendment on land use and development patterns within the city, as measured by the criteria in Section 3.111.04.A:**
  1. Traffic generation and circulation;
  2. Population concentration;
  3. Demand for public facilities and services;
  4. Maintenance of public health and safety;
  5. Level of park and recreation facilities;
  6. Economic activities;
  7. Protection and use of natural resources;
  8. Natural hazards and constraints;
  9. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement program.

**FINDINGS:** The purpose of the amendments will allow for revisions to four sections of the city's zone code, Section 2.303 (Off-Street Parking and Loading), Section 2.309 (Site and Landscaping Design), Section 2.312 (Yard and Lot Standards), and Section 3.111 (Text Amendments).

Because the zone code revisions will only affect will have no impact on the traffic generation and circulation patterns of any street within residential neighborhoods and minimal if any impact along streets adjacent The code revisions will have no demand on any public facility or service, nor will the revisions impact any maintenance of the public health and safety, nor will any park or recreation facilities be impacted as none are located within an integrated business center. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. The are no other regulations related to natural hazards. The revisions to the zone code will not impact any natural hazards and constraints. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. Amendments to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. The code amendments will not impact the land use and development

patterns as referenced in this section. As such, the proposed amendment complies with this provision of the code.

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

**Findings:** The proposed revisions to the zone code to Section 2.303 (Off-Street Parking and Loading), Section 2.309 (Site and Landscaping Design), Section 2.312 (Yard and Lot Standards), and Section 3.111 (Text Amendments) reflects a demonstrate need. The City Council has recognized that from time to time the zone code should be updated to avoid the scenario of having a code that is so out of date that it requires a massive overall. The intent is to identify several chapters from time to time that can be updated in a manageable format. The revisions will allow for the zone code to be updated so that it is easier for the general public to read and understand, to eliminate a number of grammatical errors and confusions within the language of the regulations. Specifically, the parking amendments take into consideration recommendations from the Department of Land Conservation and Development and strive to meet with the intent of state regulations relative to per capita parking ratios for cities that are within a metropolitan planning organization. Therefore, the proposed code revision complies with this review criterion.

3. **The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules.**

**FINDINGS:** The proposed text amendment complies with the statewide land use planning goals as discussed below.

**Goal 1 – Citizen Involvement:** The adoption of this ordinance followed notice to interested parties, and a public process of decision making involving a public hearing, deliberation, and ordinance adoption. This is consistent with provision of the opportunity for citizens to be involved in all phases of this planning process as 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 adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times, and public hearings were conducted before both the planning commission and city council. As such, the proposed revisions to the zone 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 there is only one zone

located in the northwest portion of the city near the city's urban growth boundary that is designated to allow for commercial agricultural uses. The amendments involve the regulations within the boundaries of the city limits of Keizer. The amendments do not impact any properties that are designated to allow for agricultural uses. Therefore the proposed amendments will comply with the Farm Land Goal and with any implementing administrative rules.

**Goal 4 – Forest Land:** The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits to allow for commercial forestry. The amendments to the zone code do not involve any land which is designated as Forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

**Goal 5 – Natural Resources:** The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. Amendments to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendments will be consistent with this goal and with administrative rules deigned to 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. New construction is required to be connected to the established sanitary sewer system reducing the likelihood of groundwater contamination from failing on-site septic systems. The revisions to the city's zone code will not impact the quality of air, water, or land resources and so complies with this goal and with 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. The revisions to the zone code 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. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The proposed amendments will only pertain to off-street parking, site design, landscaping and text amendment process, and will have no impact on the recreational activities or uses within the city. Therefore, this goal and any related rules is not applicable.

**Goal 9 – Economic Development:** The intent of this goal is to ensure that the city plans for its overall economic vitality. The revisions to the zone code will have no impact on opportunities for economic development. Therefore, the proposed amendments will comply with the goal and any related administrative rules.

**Goal 10 – Housing:** This goal requires the city to plan and provide for the housing needs of its residents. The proposed revisions to the landscaping section will have no impact on the ability of any to develop property with a residential multi-family development since currently the city requires landscapes. The revision will simply clarify the requirements in a number of places. The amendments to the yard and lot standards will not impact the ability of a property to be developed since they will have no impact on building setback, other than to indicate what features of a building may be permitted to encroach into a required yard. Because the revisions to the code are for parking, landscaping, text amendments, and yard they will have no impact on this goal or on any related rules.

**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, sanitary sewer, has an established street system, administrative and police and public safety is also provided by the city. The proposed revisions will not impact any of the city's public facilities and services, and so this goal and any rules is not applicable.

**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. Section 2.303 (Off-Street Parking and Loading) included a number revisions intended to clarify elements within this section. Notable are revisions to parking space requirement matrix in 2.303.06, moving parking related section from 2.312.05 to 2.303.04. Comments from the Department of Land Conservation and Development were received and they related to parking standards, parking reduction, removal of carpool, and alley intersection vision clearance distance. The revisions incorporates a large percentage of DLCD's concerns. The concerns were limited to four areas.

- a. Parking reduction- The revised draft includes their comments relating to parking reduction in 2.303.06.B and will allow for parking space reduction when transit amenities are provided. Retaining this provision encourages opportunities for increased transit usage.
- b. Car and vanpool parking - The revised draft also includes language that was proposed to be deleted on car and vanpool parking in 2.303.09 which will allow for a parking reduction if car or vanpool parking is provided. Retaining this provision allows for the potential for vanpool commuting,

although it must be recognized that this works best in larger employer facilities.

- c. Vision clearance - The City does not concur with the comments from DLCD over vision clearance with the proposed consolidation of sections in 2.303.09. This change is not excessive and will not lead to potentially high vehicle speeds. The intent of this change is simply to consolidate three sections into one section governing vision clearance for street/alley, street/street, and street/driveway situations.
- d. Parking standards - DLCD's comments are that the parking ratios appear to be inconsistent with the Transportation Planning Rule as found in OAR 660-012-0045(5)(c)(A). This section requires that a Metropolitan Planning Organization achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. Keizer is within the Salem/Keizer MPO. This requirement expressly states that local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile. Methods to achieve this include allowing transit oriented developments along transit routes; implement demand management program to meet measurable standards in the TSP; and to implement a parking plan which achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. The Keizer Transportation System Plan indicates that the MPO had a per capita parking supply of 0.84 in 1995 and that by 2015 this ratio should be reduced to 0.76 spaces per person. Since we are midway in this planning period theoretically this number should be about 0.8 spaces per capita, but without any current data it is difficult to be certain. As part of the pending update of the TSP this number will be determined. However, it is not yet known and so difficult to accurately gauge how any of the proposed changes will affect the overall per capita parking supply within the greater Salem/Keizer metropolitan area. However, in an attempt to not be inconsistent with this state requirement staff has proposed a number of further revisions in part based on the model parking and loading code on DLCD's webpage. In comparing the proposed code revisions to DLCD's model code it is clear that the model code is geared to achieving a reduction in the number of parking spaces found in businesses as a means to encourage transit ridership. While this is commendable it also results in a number of categories that are impractical. For example, the category of movie theater assume that such a high number of people will be coming in same vehicle or taking mass transit which is probably infeasible. A comparison of the two codes is complicated by the fact that a number of uses require a separate land use action to determine the actual number of parking spaces so it is impossible to gauge how the city's code actually compares to the model code in these instances. While this approach takes into consideration the uniqueness of certain applications it is impossible to convey to potential developers how many parking spaces would be

required in these instances as the number is only determined after a review.

In an effort to be consistent with the intent of state regulations a number of categories within the city's parking space matrix have been amended. Specifically, several industrial classifications have been revised, single family dwellings and duplexes each now only are required to provide a minimum of two parking spaces and thereby eliminate the required third space which is provided either on site or on-street. This simple action would result in a significant required parking space reduction. Also, the category of real estate, lawyer, insurance broker is increased from the proposed 1/300sq ft to 1/500 sq ft as is in the model code. Also, to be further consistent with the state model code staff is proposing revising the standards for restaurants to match the state's recommended requirement. The proposed zone code revisions to Section 2.309 (Site and Landscaping Design), Section 2.312 (Yard and Lot Standards), and Section 3.111 (Text Amendments) will have no impact on the city's transportation system, and so this goal and any related rules is not applicable.

**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 and so this goal and implementing administrative rules is not applicable.

**Goal 14 – Urbanization:** The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revisions will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

**Goal 15 – Willamette River:** This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions will have no impact on the ability of the city to regulate uses along the river their its 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 proposed zone code revisions to Section 2.303 (Off-Street Parking and Loading), Section 2.309 (Site and Landscaping Design), Section 2.312 (Yard and Lot Standards), and Section



3.111 (Text Amendments) complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

4. **The amendment is appropriate as measured by at least one of the following criteria listed in Section 3.111.04.D:**

- 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.

5. **FINDINGS:** The proposed amendments to the zone code represent a logical implementation of the Keizer Comprehensive Plan. The amendments will correct several identified grammatical errors within the existing zone code and is intended to make a number of clarifications that will make the code easier to read. Specifically, the parking amendments take into consideration recommendations from the Department of Land Conservation and Development and strive to meet with the intent of state regulations relative to per capita parking ratios for cities that are within a metropolitan planning organization. None of other the proposed amendments are mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.