



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/30/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, December 11, 2009

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Sam Litke, City of Keizer
Gloria Gardiner, DLCD Urban Planning Specialist

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FOR 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



Jurisdiction: Keizer Local file number: TA2009-08
Date of Adoption: 11/16/2009 Date Mailed: 11/20/2009
Date original Notice of Proposed Amendment was mailed to DLCD: 6/2/2009

- 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".
Text amendment to Section 2.301 (General Provisions) of the Keizer Development Code eliminates a number of identified errors and clarifies when and what levels of public improvements are required of new development.

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".
Provides an allowance for phasing or delaying the public improvements.

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 and Exception Adopted? YES NO

DLCD File No.: 001-09 (17619) [15855]

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:

none

Local Contact: **Sam Litke, Senior Planner** Phone: **(503) 856-3442** Extension: _____

Address: **390 Chemawa Rd.** City: **Keizer**

Zip Code + 4: **97307-** 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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

1 BILL NO. 572 A BILL ORDINANCE NO.
2 2009- 593
3 FOR
4
5 AN ORDINANCE
6

7
8 AMENDING KEIZER DEVELOPMENT CODE
9 REGARDING SECTION 2.301 (GENERAL
10 PROVISIONS); AMENDING ORDINANCE 98-389
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12 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
13 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

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

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

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

21 NOW, THEREFORE,

22 The City of Keizer ordains as follows:

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

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
2 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption
3 of the changes to Section 2.301 (General Provisions) as set forth in Exhibit "B" attached
4 hereto, and by this reference incorporated herein.

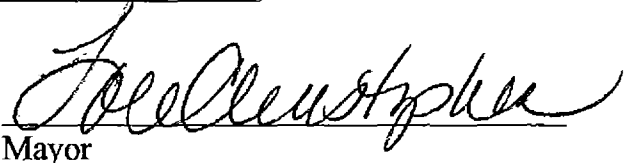
5 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
6 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
7 is denied acknowledgment by any court or board of competent jurisdiction, including,
8 but not limited to the Land Use Board of Appeals,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

12 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
13 after its passage.


14 PASSED this 16th day of November, 2009.

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16 SIGNED this 16th day of November, 2009.

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Mayor



City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.301, General Provisions)

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

The City of Keizer finds that:

1. General Findings.
 - a. The General Provisions section of the Keizer Development Code details the public facilities improvements that are required for both new developments and for expansions of public, commercial, and industrial uses.
 - b. The particulars of this case are found within planning file Text Amendment 2009-08. Public hearings were held before the Planning Commission on July 8, September 9, and on October 14, 2009, and also before the City Council on November 2, 2009. The Planning Commission reviewed the proposed revisions and unanimously recommended that it be adopted. The City Council, on a 6-1 vote, directed staff to prepare findings and an ordinance to adopt the proposed text amendment.
2. 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 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 revision to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. This section of the Development Code was last reviewed in 1998. The intent of the text amendment is to resolve a number of ambiguities within this section and to clarify code requirements. For example, revisions to Section 2.301.03 will correct errors within the Public Facilities Improvement Requirements Table and will add clarification to both the table and to the footnotes under the table. Therefore, the proposed code revision complies with this review criterion.

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

FINDINGS: The proposed text 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, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the KeizerTimes. Public hearings were held before the planning commission and the city council. Citizens were afforded the opportunity to participate in the public process. Finally, the city council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an 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. Public hearings were conducted before both the planning commission and city council where an opportunity for both verbal and written testimony was provided. Therefore, the proposed revision to the zone code is 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 amendment involves regulations within the boundaries of the city limits of Keizer. The amendment does not impact any properties that are designated to allow for agricultural uses. Therefore, the proposed amendment 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 amendment to Section 2.301 of the zone code does 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. The proposed amendment 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 amendment to the General Provisions code regulations will be consistent with this goal and with administrative rules designed 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 thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. The revision to the city's zone code will outline what level of public facilities, including water, sanitary sewer and storm drainage lines that are required of new developments. Requiring that these improvements are provided will ensure that quality of air, water, or land resources is maintained, 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 revision 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 amendment will have no impact on the recreational activities or uses within the city. Therefore, this goal and any related rules are not applicable.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The intent of the text amendment is to resolve a number of ambiguities within this section and to clarify code requirements. The proposed amendment does not reflect new requirements of developments since the public facilities improvements were already existing code requirements but rather clarifies what levels are required and when they are required. One revision in particular may have an overall positive affect on some developers is the provision for phasing certain improvements based on unique circumstances. This is not intended to eliminate the need for these improvements, but rather to allow them to be phased if the city deems it is appropriate. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The proposed amendment to Section 2.301 will have no impact on either 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 General Provisions section of the Keizer Development Code details the public facilities improvements that are requirement for both new developments and for expansions of public, commercial, or industrial uses. The proposed amendment to Section 2.301 will positively impact the city's public facilities and services, and so this goal and any rules are satisfied.

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. The General Provisions of the Keizer Development Code specifies the facilities, including street improvements that will be required of new developments. The revisions will clearly state when and what levels of improvements are required and will remove some of the ambiguities within this section of the code. The revision to Section 2.301 will have a positive impact any of the city's public transportation systems, and so this goal and any rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will have not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revision 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 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): These goals 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 revision to Section 2.301 complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

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

FINDINGS: The proposed amendment is intended in part to correct several identified errors within the existing General Provisions regulations. The intent of the text amendment is to resolve a number of ambiguities within this section and to clarify code requirements. For example, revisions to Section 2.301.03 will correct errors within the Public Facilities Improvement Requirements Table and will add clarification to both the table and to the footnotes under the table. While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revision to Section 2.301 is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.301 GENERAL PROVISIONS

2.301.01 Purpose

The purpose of this Section is to:

- A. ~~Comprehensive Plan.~~ Carry out the Comprehensive Plan and adopted planning documents such as the Transportation System Plan, with respect to development standards and policies. (5/98)
- B. ~~Natural Areas.~~ Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction. (5/98)
- C. ~~Energy Conservation.~~ Promote energy conservation and efficiency in development through site planning and landscaping. (5/98)
- D. ~~Healthy Environment.~~ Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods. (5/98)
- E. Encourage quality development that contributes to the needs and character of the community. (5/98)

2.301.02 Application of Standards

- A. ~~Application.~~ The standards governing development as set forth in Section 2.3, the applicable zone district, and/or within Section 2.4 as applicable shall apply to partitions; subdivisions; planned unit developments; commercial and industrial development; public and non-commercial development; single family dwellings, duplexes and multi-family structures. These regulations shall apply in all zones. (5/98)
- B. Phasing. Phasing or delay of improvements may be authorized as allowed by this section. When it is determined by the City Public Works Director that the strict application of the requirements outlined in the table below is impractical or un not feasible then consideration may be given for delaying or phasing the required public facilities improvements. Consideration shall be given to Phasing may be considered when:
 - a) lack of connecting facilities exists;
 - b) any plans that the city may have for future public facilities improvements that may justify phasing or delaying so that the project may be incorporated into the city's improvement plans;
 - c) other engineering factors that may justify that the improvements should be delayed exist.If a delay or phasing is allowed it is not to be considered as a modification of the required improvements or that the improvements are to be eliminated.

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The property owner shall sign an appropriate agreement with the city in a recordable form that shall obligate the property owner to construct the improvements at the specified time within the agreement. Phasing is authorized only if specifically allowed for in the land use decision or the building permit.

~~B. Modification to Standards. The application of these standards to a particular development shall be modified as follows: (5/98)~~

~~1. Development standards that are unique to a particular use, or special use, shall be set forth within the district or in Section 2.4. (5/98)~~

~~2. These development standards that are unique to a particular district shall be set forth in the Section governing that district. (5/98)~~

2.301.03 Application of Public Facility Standards Improvement Requirements

~~Standards for the provision and utilization of public facilities or services available within the City of Keizer shall apply to all land developments in accordance with the following table of reference. No development permit, including building permit, shall be approved or issued unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 2.310.05.G D or 2.310.06.O P as applicable. Phasing of improvements may be authorized as allowed by this section. When it is determined by the City Public Works Director that the strict application of the requirements outlined in the table below are impractical or unfeasible then consideration may be given for delaying or phasing the required public facilities improvements. Consideration shall be given to lack of connecting facilities; any plans that the city may have for future public facilities improvements that may justify delaying so that the project may be incorporated in to the city's improvement plans; other engineering factors that may justify that the improvements should be delayed. If a delay or phasing is allowed it is not to be considered that the improvements are to be eliminated. The property owner shall sign an appropriate agreement with the city in a recordable form that shall obligate the property owner to constructing the improvements at the specified time within the agreement. Phasing is authorized only if specifically allowed for in the land use decision or the building permit. (5/98)~~

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Public Facilities Improvement Requirements Table

LAND USE	FIRE HYDRANT	STREET IMPROVEMENT	WATER HOOK-UP (C-PF-1)	SEWER HOOK-UP (C-PF-6)	STORM DRAIN (C-PF-7)	STREET LIGHTS (C-PF-8)
Single Family Dwelling /Duplex	No (If not unless required by U.F.C.)	2-C-2 C-PF-3	Yes	Yes	Yes	No
Multi-Family Dwellings	Yes C-2 PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
New Public, Commercial or Industrial	Yes C-2 PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
Public, Commercial or Industrial Expansion	C-PF-2	C-3 C-5-PF-5	Yes	Yes	Yes	Yes
Partition, Subdivision, PUD, MHP	Yes C-2 PF-2	Yes C-4-PF-4 and PF-5	Yes	Yes	Yes	Yes

Footnotes to Public Facilities Improvement Requirements Table

Legend: No = Not required Yes = Required

PF – Public Facility

C = Conditional (~~does not require a Conditional Use Permit~~), as noted: (5/98)

PFG-1 When required, An approved potable water supply capable of supplying both domestic water supply and also meeting the required fire flow for fire protection shall be provided prior to the start of combustible construction. (5/98)

PFG-2. Fire Hydrants including but not limited to Commercial or Industrial Expansions shall meet the requirements as set forth in Appendix III-B of the Uniform Fire Code, 1994 edition. (5/98)

PFG-3. Street Improvements for Single Family Dwellings / Duplexes: New single family dwellings / duplexes that require a street extension must provide street improvements,

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and right of way dedication where deemed necessary by the Department of Public Works, ~~to City street standards.~~ Street improvements are required when the improvement will extend an existing street improvement adjacent to the property. The improvements that must be extended when they exist include street lanes to the same width as on adjacent property, curbs, gutters, storm drainage, and sidewalk. In all cases ~~the improvements shall be done to Department of Public Works standards.~~ (5/98)

~~PFC-4. As specified in Section 2.310. Lots Abutting a Partial Street. Development of property abutting an existing public street which does not meet the minimum right-of-way standards in Section 2.202 shall provide sufficient yard setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right-of-way width.~~ (5/98)

~~PFC-5. Street Improvements for Commercial or Industrial Expansions: Street access permits must obtain access permits from the Marion County Public Works Department. If a Traffic Impact Analysis (TIA) is required pursuant to Section 2.301.04 the City will require improvement (s) as recommended in such TIA, in addition to those specified in the Public Facilities Improvement Requirements Table as set above, to full City standards when the use meets any of the following criteria:~~ (5/98)

~~a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or~~

~~b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.~~ (5/98)

~~a. An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or~~

~~b. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day.~~

~~c. The location of the access driveway does not meet minimum intersection sight distance requirements, or~~

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~~is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or~~

~~d. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or~~

~~e. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.~~

~~PFG-6 Connection to municipal sanitary sewer system shall be required unless property is within a zone district which allows the option of using an on-site septic system.~~

~~PFG-7 New developments and expansion shall connect into an approved storm drainage system or shall provide on-site storm drainage facilities in a system meeting city approval.~~

~~PF C-8 Generally, street lights are not required of partitions but are for subdivisions. Street lights for other developments will be required as determined by the city to be needed on a case by case basis.~~

MFD = Multi-family dwelling (3 or more units)

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

2.301.04 Traffic Impact Analysis (TIA).

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.
- B. Typical Average Daily Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips.

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- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a ~~land use~~ development application, when the following conditions apply:
1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - (i.) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or
 - (ii.) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - (iii.) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
 - (iv.) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - (v.) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.
- D. Traffic Impact Analysis Requirements.
1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer ~~in accordance with OAR 734-051-180~~. The traffic analysis will be paid for by the applicant.
 2. Transportation Planning Rule Compliance. See Section 3.111.05 Transportation Planning Rule Compliance.
 3. Pre-application Conference. The applicant will meet with Keizer Public Works prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected.
- E. Approval Criteria.
1. Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a professional engineer ~~in accordance with OAR 734-051-180~~; and
 - b. If the proposed development shall cause one or more of the effects in Section 2.301. 04 03.C, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service

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- and Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
- c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - (i.) Have the least negative impact on all applicable transportation facilities; and
 - (ii.) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - (iii.) Make the most efficient use of land and public facilities as practicable; and
 - (iv.) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - (v.) Otherwise comply with applicable requirements of the City of Keizer Development Code.
- F. Conditions of Approval. The City may deny, approve, or approve a development proposal with appropriate conditions.
 - 1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
 - 2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

TY OF KEIZER
UNITY DEVELOPMENT
O, BOX 21000
ER, OR 97307-1000

DLCD

635 Capitol ST NE

Suite 150

Salem OR

97301

Plan Amend. See

11/20/2009
US POSTAGE \$01.73⁰



ZIP 97303
04111 1.20774