



Oregon

Theodore R. Kulongoski, 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

09/20/2011

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 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Wednesday, October 05, 2011

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.

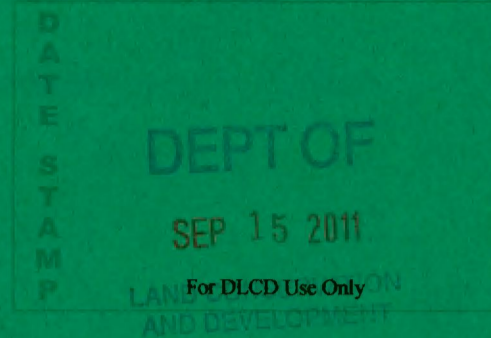
***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sam Litke, City of Keizer
Angela Lazarean, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

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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



Jurisdiction: Keizer Local file number: TA2011-02
Date of Adoption: 6/20/2011 Date Mailed: 9/13/2011
Date original Notice of Proposed Amendment was mailed to DLCD: 2/28/2011

- 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 2.104 (Medium Density Residential) of the Keizer Development Code to add Health Services and Social Services as a Conditional Use; and, to create a new Section 2.431 (Health and Social Services) that outlines the review process and contains standards; added revisions to Section 3.101 (Summary of Application Types) and Section 3.202 (general Procedures) to allow plan commission to review conditional use permit.

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".

Deleted proposed revisions to: 2.103 (Limited Density Residential (RL); 2.105 (High Density Residential (RH); and 2.107 Mixed Use (MU);

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.: 001-11 (18734) [16761]

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. 618 A BILL ORDINANCE NO.
2 2011- 639
3 FOR
4
5 AN ORDINANCE

6
7 AMENDING KEIZER DEVELOPMENT CODE REGARDING
8 SECTION 2.104 (MEDIUM DENSITY RESIDENTIAL),
9 SECTION 2.431 (NURSING AND RESIDENTIAL CARE
10 FACILITIES), SECTION 3.101 (SUMMARY OF
11 APPLICATION TYPES) AND SECTION 3.202 (GENERAL
12 PROCEDURES – TYPES 1, 11, AND 111 ACTIONS);
13 AMENDING ORDINANCE 98-389
14

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

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

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

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

24 NOW, THEREFORE,
25 The City of Keizer ordains as follows:

26 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
27 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 2.104 (Medium Density Residential), Section 3.101 (Summary
4 of Application Types) and Section 3.202 (General Procedures -- Types 1, 11, and 111
5 Actions), and the addition of Section 2.431 (Nursing and Residential Care Facilities) as
6 set forth in Exhibit "B" attached hereto, and by this reference incorporated herein.

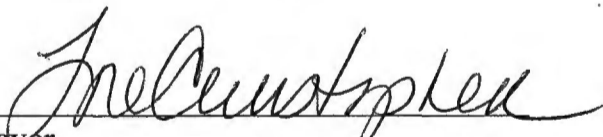
7 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
8 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
9 is denied acknowledgment by any court or board of competent jurisdiction, including,
10 but not limited to the Land Use Board of Appeals,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

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

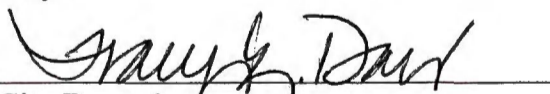
16 PASSED this 20th day of June, 2011

17 SIGNED this 20th day of June, 2011

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Mayor



City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.104 (Medium Density Residential); Section 3.101 (Summary of Application Types); Section 3.202 (General Procedures); and, to create a new Section 2.431 (Nursing and Residential Care Facilities))

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. Section 2.104 of the Keizer Development Code (KDC) contains the requirements governing development of lands designated Medium Density Residential, Section 2.431 is new and contains standards for locating new Nursing and Residential Care Facilities in the city limits, Sections 3.101 and 3.202 both contain process requirements for various types of land use applications.
 - b. The particulars of this case are found within planning file Text Amendment 2011-02. Public hearings were held before the Planning Commission on April 13, 2011 and also on May 11, 2011, and also before the City Council on June 6, 2011. The Planning Commission reviewed the proposed revisions and in a 5-1 vote recommended that it be adopted. The City Council unanimously directed staff to prepare findings and an ordinance to adopt the proposed text amendment.
2. Amendments to the Comprehensive Plan or Development Code 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 proposed amendments are intended in part to correct several identified errors within the existing regulations and will establish clear development standards for the locating of nursing and

residential care facilities. 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 Keizer Times. Public hearings were held before the planning commission and the city council. Public hearings were held before the Planning Commission on April 13, 2011 and on May 11, 2011, and also before the City Council on June 6, 2011. 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. No public testimony was received at either the planning commission or the city council's public hearing. 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 are only two zones (EFU and SA) which are designated to allow commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer. Since the text amendment will only involve lands that are designated Medium Density Residential it will not affect either the EFU or the SA zoned lands. 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. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to Sections 2.104,

2.431, 3.101, and 3.202 KDC 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 amendments to the zone code regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. In particular, two of the proposed amendments outline the process needed to hear a public hearing for a proposed nursing and residential care facility on an RM zoned property. Therefore, the amendments 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 city has storm water regulations which are geared to maintain water quality in Willamette River or any local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. The revision to the city's zone code regulations will have no impact on 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 within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for

Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. Upon development of an RM designated the property for a use permitted in Section 2.431 would still require that the development comply with the city's floodplain regulation and any other natural hazard regulations enforced by the city if the property is within a designated 100-year floodplain. 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. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city's future park and recreation needs. The proposed amendments to the city's regulations will not have a direct impact on the recreational activities or uses within the city. It will allow a process to be established that would permit through the conditional use process a nursing and residential care facility in an RM zone subject to meeting the standards in Section 2.431. Therefore, the amendments will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city is currently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning study of an economic opportunity analysis for the Salem – Keizer regional area. The intent of this study is to identify potential economic opportunities facing the region so as to better plan to take advantage of these economic opportunities. Since this is a legislative matter and there is no actual application for a memory care facility it is impossible to accurately assess the impact which may result from this text amendment. With the result of this amendment being the construction and development of a nursing and residential care facility it can be argued that the text amendment will have a positive impact on the local economy since it will result in increased employment opportunities within the city which is a priority of the regional economic opportunities analysis. Therefore, the proposal is consistent with this goal and with all administrative rules.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The intent of the proposed text amendment is to allow the option for the development of some RM designated lands with nursing and residential care facilities that will serve the needs of patients who will reside

at this type of facility. Because the patients will reside at the facility it will provide for the housing needs of the city's residents. The city is currently engaged in a housing needs analysis that will identify the projected 20 year housing needs for the city. While this is primarily focused on single family and multi-family types of housing needs institutional housing also fits into the city long range housing needs although it is clearly a smaller percentage of the projected need. The proposed amendments to Sections 2.104, 2.43331, 3.101, and 3.202 KDC will help to positively impact both this goal and 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 also are provided by the city. Fire protection services will continue to be provided by the Keizer Fire District or Marion County Fire District #1 depending on which district the land proposed to be annexed is located. It is not possible to determine the full impacts on the city street system, administrative and police service and other services that might result from this text amendment or the impacts to the city's public facilities and services the proposed amendment to Sections 2.104, 2.431, 3.101, and 3.202 KDC. Any impacts will be determined in a case by case analysis through the conditional use process, 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. It is not possible to determine the full impacts on the city street system, administrative and police service and other services that might result from this text amendment or the impacts to the city's public facilities and services the proposed amendment to Sections 2.104, 2.431, 3.101, and 3.202 KDC. Any impacts will be determined in a case by case analysis through the conditional use process, and so this goal and any rules are satisfied.

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 text amendment to Section 2.104 will allow nursing and residential care facilities as a conditional use subject to standards within Section 2.431. Sections 3.101 and 3.202 modify the process necessary to allow the planning

commission to be able to have a public hearing for a conditional use permit for a nursing and residential care facility. 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 to the city’s requirements in Sections 2.104, 2.431, 3.101, and 3.202 KDC will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revision to Sections 2.104, 2.431, 3.101, and 3.202 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 amendments are intended in part to correct several identified errors within the existing regulations. Section 2.104 (Medium Density Residential) is proposed to be revised to allow Residential Care Facilities exceeding 16 residents, or uses listed in SIC 805 (Nursing and Personal Care) as a conditional use. The Planning Commission determined that the original proposal was too broad in the range of potential uses that could be allowed and so it has been scaled back. The proposal before the council is limited to allow “memory care” and similar type of uses but not allow hospitals, doctor’s office, sex-offender treatment facilities, etc. Prior to locating a new facility in an RM zone the applicant will need to obtain conditional use approval by the city. A new section (2.431) contains the standards and outlines the process used to review such a proposal.

The standards include:

- Need for the facility shall be identified.

- A traffic impact analysis if determined to be required shall be provided and measure(s) to mitigate any impact(s) provided.
- Access limited to an arterial street.
- Require that the land is of sufficient size to accommodate the use.
- That the use will not unreasonably impact uses in the neighborhood.
- Adequate buffering and screening is provided to mitigate any impacts on adjacent properties.

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 Sections 2.104, 2.431, 3.101, and 3.202 KDC is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.01 Purpose

The RM (MEDIUM DENSITY RESIDENTIAL) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas. (5/98)

2.104.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. **Buildings with two or more dwelling** units. (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care service**, including family day care provider, for 12 or fewer children. (5/98)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children. (6/99)

2.104.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)

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- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. Transit Facilities (Section 2.305). (Ordinance No. is 2009-586, 5/09)
- F. The following special uses subject to the applicable standards in Section 2.4:
 - 1. **Shared housing facilities** (Section 2.403). (5/98)
 - 2. **Zero side yard dwelling units** (Section 2.404). (5/98)
 - 3. **Home occupations** (Section 2.407). (5/98)
 - 4. **Bed and breakfast establishments** (Section 2.408). (5/98)
 - 5. **Residential sales offices** (Section 2.409). (5/98)
 - 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 - 7. **House of Worship** (Section 2.423). (5/98)
 - 8. **Boat and RV storage area** (Section 2.411). (5/98)
 - 9. **Manufactured home parks** (Section 2.405). (5/98)
 - 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 - 11. **Accessory commercial uses** (Section 2.416). (5/98)
 - 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
 - 13. **Electrical substation** (Section 2.426). (5/98)
 - 14. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)

2.104.04 Conditional Uses

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Child day care service for 13 or more children.** (5/98)

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- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, provided such home:
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
 - 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

- H. **Transit Station** (Section 2.429). (Ordinance No. is 2009-586, 5/09)
- I. **Residential Care Facilities for more than 15 residents or uses noted in SIC 805 (Nursing and Personal Care Facilities) (Section 2.431)**

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4,000 sq. ft. (1)(2)	6,000 sq. ft.	9,000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (3) *Multi-family development must comply with the density standard in Section 2.104.06.1. (5/98)*
- (4) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (5) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non- Residential
Front	10 feet	10 feet	10 feet	20 feet
Side	(1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*

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- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines. (06/07)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.104.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)

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- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
 - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre. (5/98)

2.431.01 Overview

Residential Care Facilities that are over 15 residents, or uses that are listed in SIC 805 (Nursing and Personal Care Facilities) are uses that provide limited medical care, nursing and personal care where the patients reside at the facility. An application to place this type of facility is processed as a conditional use permit, however the application shall be reviewed directly by the Planning Commission.

2.431.02 Review Procedure

The procedure for approving a Conditional Use Permit for these types of uses is set forth in Section 3.101.03(B). The application is a Type II – B action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (05/09)

2.431.03 Submittal Requirements

The applicant shall submit evidence addressing the criteria set forth below addition to the requirements in Section 3.103, and all other submittal requirements as outlined in Section 3.201.

2.431.04 Criteria

Where permitted as a conditional use, in addition to the requirements in Section 3.103, shall meet the following criteria:

- A. Need for the facility at the proposed location shall be identified.
- B. If determined, as noted in Section 2.301, to be warranted a traffic impact analysis shall be provided and proposed measure(s) to mitigate any impact(s) on surrounding properties and streets shall be identified.
- C. A facility shall have access provided to an arterial street.

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D. As conditioned, the facility will not unreasonably impact existing or planned uses in the neighborhood of the subject property.

E. A facility will be required to provide adequate buffering and screening to mitigate any impacts on adjacent properties.

The Planning Commission has the authority to determine whether the application satisfies the applicable criteria. An application may be approved, approved with conditions, or denied.

3.101 SUMMARY OF APPLICATION TYPES

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

3.101.01 Type I Action - Summary

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

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. Conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer. The following actions are processed under the Type I-A procedure: (2/01)
 - 1. Signs (excluding variances or conditional uses) (5/98)
 - 2. Temporary Use Permit (3/10)

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

- C. Type I-C: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant. Appeal is to the Planning Commission. Notice is sent to property owners within the required notice area for public hearing. The Zoning Administrator may

refer any application to the Planning Commission or the City Council for public hearing and decision. The following action is processed under the Type I-C procedure:

1. Development Review (2/01)

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

1. Variance (Major) (07/07/03)

3.101.02 Type II Actions - Summary

- A. A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (2/01)

1. Subdivision (5/98)
2. Planned Unit Development (5/98)
3. Manufactured Home Parks (5/98)

- A.B Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (2/03)

1. Transit Station (5/09)

- C. Type II-B: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section

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

1. Nursing and Residential Care Facilities

3.101.03 Type III Actions - Summary

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

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

3.101.04 Type IV Actions - Summary

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

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)

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- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

LAND USE APPLICATION PROCESS (4/10)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Signs, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Floodplain Development Permit (including Floodplain Development Permit Variances (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) (05/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Lot Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Transit Station (05/09)	II-B	Recommendation to City Council			Final Decision
<u>Nursing and Residential Care Facilities</u>	<u>II-B</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Plan Comm Decision</u>

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LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Review	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

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

3.202.01 Procedure for Type I-A Review

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

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

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

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

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

(Type I-B: Minor Variance, Lot Line Adjustment, Conditional Use, Partition, Greenway Development Permit, Floodplain Development Permit, including Floodplain Development Permit Variances) (Type I-D Major Variance) (3/10)

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

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (07/03)
 - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, and

applicable city, county, and state agencies at the Director's option. Referrals will be sent to affected neighborhood associations. (5/98)

- D. **Staff Review.** Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; The Administrator shall have the option of referring a type I-B application to the Hearings Officer or City Council for the initial decision. The Administrator shall have the option of referring a type I-D application to the Planning Commission or City Council for the initial decision. (07/03)
- E. **Conditions.** Approvals of a Type I-B and I-D action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (07/03)
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 3. Performance bonding to comply with applicable conditions of approval shall comply with the provisions in Section 3.202.05B. (2/01)
- F. **Notice.** Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)
- G. **Appeals.** A Type I-B land use decision may be appealed to the Hearings Officer, by either the applicant or persons receiving notice of the decision. A Type I-D land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. (07/03)
- The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- H. **Time Limit.** The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (5/98)

3.202.03 Procedure for Type I-C Review

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

- F. Appeals. A Type I-C land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (2/01)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.04 Procedures for Type II and Type III Actions

*(Type II. Subdivision, Planned Unit Development and Manufactured Home Parks),
(Type II-B. Conditional Use for Nursing and Residential Care Facilities - Planning
Commission decision)*

(Type II-B. Transit Station – City Council decision)

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

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 - 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)
- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire districts, school district, utility companies, and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of Environmental Quality, The Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (07/09)
- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)

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

decision or the Administrator. The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council. (5/98)

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

3.202.05 Special Procedural Requirements

A. 120 Day Time Limit

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

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

B. Performance and Maintenance Bonding (2/01)

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

1. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Keizer, cash, certified check, time certificate of deposit, or other form acceptable to the City. The City Attorney must approve the form and appropriate documents filed with the City Recorder. Agreements may be recorded to restrict building permits. (2/01)

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2. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance. (5/98)
3. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. The Administrator may extend this time limit for up to one additional year. (2/01)
4. Maintenance Bonds for public improvements of 40% of the total cost of improvements is required for one year warranty. (2/01)

1 BILL NO. 618

A BILL

ORDINANCE NO.

2

2011- 639

3

FOR

4

5

AN ORDINANCE

6

7

AMENDING KEIZER DEVELOPMENT CODE REGARDING
SECTION 2.104 (MEDIUM DENSITY RESIDENTIAL),
SECTION 2.431 (NURSING AND RESIDENTIAL CARE
FACILITIES), SECTION 3.101 (SUMMARY OF
APPLICATION TYPES) AND SECTION 3.202 (GENERAL
PROCEDURES – TYPES 1, 11, AND 111 ACTIONS);
AMENDING ORDINANCE 98-389

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

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

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

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

24

NOW, THEREFORE,

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The City of Keizer ordains as follows:

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

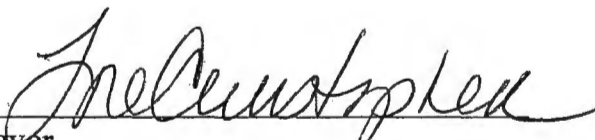
1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
2 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption
3 of the changes to Section 2.104 (Medium Density Residential), Section 3.101 (Summary
4 of Application Types) and Section 3.202 (General Procedures – Types 1, 11, and 111
5 Actions), and the addition of Section 2.431 (Nursing and Residential Care Facilities) as
6 set forth in Exhibit "B" attached hereto, and by this reference incorporated herein.

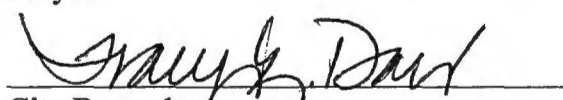
7 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
8 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
9 is denied acknowledgment by any court or board of competent jurisdiction, including,
10 but not limited to the Land Use Board of Appeals,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

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

16 PASSED this 20th day of June, 2011
17 SIGNED this 20th day of June, 2011

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Mayor


City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.104 (Medium Density Residential); Section 3.101 (Summary of Application Types); Section 3.202 (General Procedures); and, to create a new Section 2.431 (Nursing and Residential Care Facilities))

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. Section 2.104 of the Keizer Development Code (KDC) contains the requirements governing development of lands designated Medium Density Residential, Section 2.431 is new and contains standards for locating new Nursing and Residential Care Facilities in the city limits, Sections 3.101 and 3.202 both contain process requirements for various types of land use applications.
 - b. The particulars of this case are found within planning file Text Amendment 2011-02. Public hearings were held before the Planning Commission on April 13, 2011 and also on May 11, 2011, and also before the City Council on June 6, 2011. The Planning Commission reviewed the proposed revisions and in a 5-1 vote recommended that it be adopted. The City Council unanimously directed staff to prepare findings and an ordinance to adopt the proposed text amendment.
2. Amendments to the Comprehensive Plan or Development Code 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 proposed amendments are intended in part to correct several identified errors within the existing regulations and will establish clear development standards for the locating of nursing and

residential care facilities. 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 Keizer Times. Public hearings were held before the planning commission and the city council. Public hearings were held before the Planning Commission on April 13, 2011 and on May 11, 2011, and also before the City Council on June 6, 2011. 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. No public testimony was received at either the planning commission or the city council's public hearing. 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 are only two zones (EFU and SA) which are designated to allow commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer. Since the text amendment will only involve lands that are designated Medium Density Residential it will not affect either the EFU or the SA zoned lands. 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. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to Sections 2.104,

2.431, 3.101; and 3.202 KDC 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 amendments to the zone code regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. In particular, two of the proposed amendments outline the process needed to hear a public hearing for a proposed nursing and residential care facility on an RM zoned property. Therefore, the amendments 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 city has storm water regulations which are geared to maintain water quality in Willamette River or any local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. The revision to the city's zone code regulations will have no impact on 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 within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for

Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. Upon development of an RM designated the property for a use permitted in Section 2.431 would still require that the development comply with the city's floodplain regulation and any other natural hazard regulations enforced by the city if the property is within a designated 100-year floodplain. 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. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city's future park and recreation needs. The proposed amendments to the city's regulations will not have a direct impact on the recreational activities or uses within the city. It will allow a process to be established that would permit through the conditional use process a nursing and residential care facility in an RM zone subject to meeting the standards in Section 2.431. Therefore, the amendments will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city is currently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning study of an economic opportunity analysis for the Salem – Keizer regional area. The intent of this study is to identify potential economic opportunities facing the region so as to better plan to take advantage of these economic opportunities. Since this is a legislative matter and there is no actual application for a memory care facility it is impossible to accurately assess the impact which may result from this text amendment. With the result of this amendment being the construction and development of a nursing and residential care facility it can be argued that the text amendment will have a positive impact on the local economy since it will result in increased employment opportunities within the city which is a priority of the regional economic opportunities analysis. Therefore, the proposal is consistent with this goal and with all administrative rules.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The intent of the proposed text amendment is to allow the option for the development of some RM designated lands with nursing and residential care facilities that will serve the needs of patients who will reside

at this type of facility. Because the patients will reside at the facility it will provide for the housing needs of the city's residents. The city is currently engaged in a housing needs analysis that will identify the projected 20 year housing needs for the city. While this is primarily focused on single family and multi-family types of housing needs institutional housing also fits into the city long range housing needs although it is clearly a smaller percentage of the projected need. The proposed amendments to Sections 2.104, 2.43331, 3.101, and 3.202 KDC will help to positively impact both this goal and 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 also are provided by the city. Fire protection services will continue to be provided by the Keizer Fire District or Marion County Fire District #1 depending on which district the land proposed to be annexed is located. It is not possible to determine the full impacts on the city street system, administrative and police service and other services that might result from this text amendment or the impacts to the city's public facilities and services the proposed amendment to Sections 2.104, 2.431, 3.101, and 3.202 KDC. Any impacts will be determined in a case by case analysis through the conditional use process, 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. It is not possible to determine the full impacts on the city street system, administrative and police service and other services that might result from this text amendment or the impacts to the city's public facilities and services the proposed amendment to Sections 2.104, 2.431, 3.101, and 3.202 KDC. Any impacts will be determined in a case by case analysis through the conditional use process, and so this goal and any rules are satisfied.

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 text amendment to Section 2.104 will allow nursing and residential care facilities as a conditional use subject to standards within Section 2.431. Sections 3.101 and 3.202 modify the process necessary to allow the planning

commission to be able to have a public hearing for a conditional use permit for a nursing and residential care facility. 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 to the city’s requirements in Sections 2.104, 2.431, 3.101, and 3.202 KDC will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revision to Sections 2.104, 2.431, 3.101, and 3.202 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 amendments are intended in part to correct several identified errors within the existing regulations. Section 2.104 (Medium Density Residential) is proposed to be revised to allow Residential Care Facilities exceeding 16 residents, or uses listed in SIC 805 (Nursing and Personal Care) as a conditional use. The Planning Commission determined that the original proposal was too broad in the range of potential uses that could be allowed and so it has been scaled back. The proposal before the council is limited to allow “memory care” and similar type of uses but not allow hospitals, doctor’s office, sex-offender treatment facilities, etc. Prior to locating a new facility in an RM zone the applicant will need to obtain conditional use approval by the city. A new section (2.431) contains the standards and outlines the process used to review such a proposal.

The standards include:

- Need for the facility shall be identified.

- A traffic impact analysis if determined to be required shall be provided and measure(s) to mitigate any impact(s) provided.
- Access limited to an arterial street.
- Require that the land is of sufficient size to accommodate the use.
- That the use will not unreasonably impact uses in the neighborhood.
- Adequate buffering and screening is provided to mitigate any impacts on adjacent properties.

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 Sections 2.104, 2.431, 3.101, and 3.202 KDC is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.01 Purpose

The RM (MEDIUM DENSITY RESIDENTIAL) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.
(5/98)

2.104.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. **Buildings with two or more dwelling** units. (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care service**, including family day care provider, for 12 or fewer children. (5/98)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children. (6/99)

2.104.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)

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- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. Transit Facilities (Section 2.305). (Ordinance No. is 2009-586, 5/09)
- F. The following special uses subject to the applicable standards in Section 2.4:
 - 1. **Shared housing facilities** (Section 2.403). (5/98)
 - 2. **Zero side yard dwelling units** (Section 2.404). (5/98)
 - 3. **Home occupations** (Section 2.407). (5/98)
 - 4. **Bed and breakfast establishments** (Section 2.408). (5/98)
 - 5. **Residential sales offices** (Section 2.409). (5/98)
 - 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 - 7. **House of Worship** (Section 2.423). (5/98)
 - 8. **Boat and RV storage area** (Section 2.411). (5/98)
 - 9. **Manufactured home parks** (Section 2.405). (5/98)
 - 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 - 11. **Accessory commercial uses** (Section 2.416). (5/98)
 - 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
 - 13. **Electrical substation** (Section 2.426). (5/98)
 - 14. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

2.104.04 Conditional Uses

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Child day care** service for 13 or more children. (5/98)

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- D. **Civic, social and fraternal organizations (864).** (5/98)
- E. **Rooming and boarding houses (702).** (5/98)
- F. **Water supply (494).** (5/98)
- G. **Child foster home for six, seven or eight children, provided such home:**
 - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 - 2. Be located on a lot of no less than 16,000 square feet;
 - 3. The lot shall be located on an arterial or major collector street;
 - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
 - 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

- H. **Transit Station (Section 2.429).** (Ordinance No. is 2009-586, 5/09)
- I. **Residential Care Facilities for more than 15 residents or uses noted in SIC 805 (Nursing and Personal Care Facilities) (Section 2.431)**

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4,000 sq. ft. (1)(2)	6,000 sq. ft.	9,000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (3) *Multi-family development must comply with the density standard in Section 2.104.06.I. (5/98)*
- (4) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (5) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non- Residential
Front	10 feet	10 feet	10 feet	20 feet
Side	(1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*

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- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines. (06/07)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.104.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)

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- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
 - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre. (5/98)

2.431.01 Overview

Residential Care Facilities that are over 15 residents, or uses that are listed in SIC 805 (Nursing and Personal Care Facilities) are uses that provide limited medical care, nursing and personal care where the patients reside at the facility. An application to place this type of facility is processed as a conditional use permit, however the application shall be reviewed directly by the Planning Commission.

2.431.02 Review Procedure

The procedure for approving a Conditional Use Permit for these types of uses is set forth in Section 3.101.03(B). The application is a Type II – B action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (05/09)

2.431.03 Submittal Requirements

The applicant shall submit evidence addressing the criteria set forth below addition to the requirements in Section 3.103, and all other submittal requirements as outlined in Section 3.201.

2.431.04 Criteria

Where permitted as a conditional use, in addition to the requirements in Section 3.103, shall meet the following criteria:

- A. Need for the facility at the proposed location shall be identified.
- B. If determined, as noted in Section 2.301, to be warranted a traffic impact analysis shall be provided and proposed measure(s) to mitigate any impact(s) on surrounding properties and streets shall be identified.
- C. A facility shall have access provided to an arterial street.

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D. As conditioned, the facility will not unreasonably impact existing or planned uses in the neighborhood of the subject property.

E. A facility will be required to provide adequate buffering and screening to mitigate any impacts on adjacent properties.

The Planning Commission has the authority to determine whether the application satisfies the applicable criteria. An application may be approved, approved with conditions, or denied.

3.101 SUMMARY OF APPLICATION TYPES

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

3.101.01 Type I Action - Summary

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

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. Conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer. The following actions are processed under the Type I-A procedure: (2/01)
 - 1. Signs (excluding variances or conditional uses) (5/98)
 - 2. Temporary Use Permit (3/10)

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

- C. Type I-C: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant. Appeal is to the Planning Commission. Notice is sent to property owners within the required notice area for public hearing. The Zoning Administrator may

refer any application to the Planning Commission or the City Council for public hearing and decision. The following action is processed under the Type I-C procedure:

1. Development Review (2/01)

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

1. Variance (Major) (07/07/03)

3.101.02 Type II Actions - Summary

- A. A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (2/01)

1. Subdivision (5/98)
2. Planned Unit Development (5/98)
3. Manufactured Home Parks (5/98)

- A.B Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (2/03)

1. Transit Station (5/09)

- C. Type II-B: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section

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

1. Nursing and Residential Care Facilities

3.101.03 Type III Actions - Summary

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

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

3.101.04 Type IV Actions - Summary

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

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)

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- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

LAND USE APPLICATION PROCESS (4/10)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Signs, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Floodplain Development Permit (including Floodplain Development Permit Variances (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) (05/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Lot Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Transit Station (05/09)	II-B	Recommendation to City Council			Final Decision
<u>Nursing and Residential Care Facilities</u>	<u>II-B</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Plan Comm Decision</u>

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Review	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

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

3.202.01 Procedure for Type I-A Review

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

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

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

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

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

(Type I-B: Minor Variance, Lot Line Adjustment, Conditional Use, Partition, Greenway Development Permit, Floodplain Development Permit, including Floodplain Development Permit Variances) (Type I-D Major Variance) (3/10)

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

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (07/03)
 - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, and



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