



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development  
635 Capitol Street, Suite 150  
Salem, OR 97301-2540  
(503) 373-0050  
Fax (503) 378-5518  
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/11/2013

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 003-12

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 22, 2013

This amendment was submitted to DLCD for review prior to adoption 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.

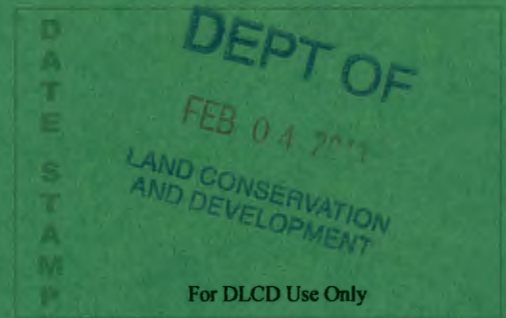
\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification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

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

<paa> N

# 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: TA2012-10  
Date of Adoption: 12/17/2012 Date Mailed: 2/1/2013  
Date original Notice of Proposed Amendment was mailed to DLCD: 9/4/2012

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other: _____                     |

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

**Text amendment to Section 2.312 (Yard and Lot Standards) of the Keizer Development Code to revise the vision clearance standard within the code by clarifying the size of the vision clearance triangle based on street type.**

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".

**NA**

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.: 003-12 (19490) [17352]

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. 649

A BILL

ORDINANCE NO.  
2012-670

2  
3 FOR

4  
5 AN ORDINANCE

6  
7  
8 AMENDING KEIZER DEVELOPMENT CODE REGARDING  
9 SECTION 2.312 (YARD AND LOT STANDARDS);  
10 AMENDING ORDINANCE 98-389  
11

12  
13 WHEREAS, the Keizer Planning Commission has recommended to the Keizer  
14 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

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

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

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

22 NOW, THEREFORE,

23 The City of Keizer ordains as follows:

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

26

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 2.312 (Yard and Lot Standards) as set forth in Exhibit "B"  
4 attached hereto, and by this reference incorporated herein.

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

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

14 PASSED this 17th day of December, 2012

15

16 SIGNED this 17th day of December, 2012

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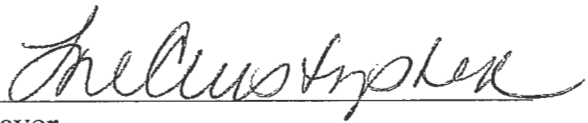
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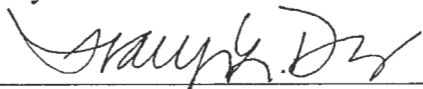
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\_\_\_\_\_  
Mayor

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

## EXHIBIT "A"

### Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.312 – Yard and Lot Standards).

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

The City of Keizer finds that:

1. General Findings.
  - a. The particulars of this case are found within planning file Text Amendment 2011-14. Public hearings were held before the Planning Commission on October 10, 2012 and also before the City Council on November 19, 2012. The Planning Commission reviewed the proposed revisions and in a unanimous vote recommended that it be adopted. The City Council voted to direct staff to prepare findings and an ordinance to adopt the proposed text amendment.
  - b. The proposed text amendment will revise Section 2.312 (Yard and Lot Standards) regarding vision clearance areas.
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 development 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. The Yard and Lot Standards regulations within the Development Code was last reviewed in 2009 to include provisions regarding fences. The revisions to revise Section 2.312 (Yard and Lot Standards) of the Keizer Development Code are intended to clarify an ambiguity within the existing regulations. A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The triangle area for a driveway/street intersection is a 10 foot leg down both the street and the driveway; while a each leg of a street / street intersection has a 30 foot leg. The significance of this area is that is that it should be

free of obstructions that might impede the vision of a motorist from turning onto one of the two streets.

The purpose of this revision is to increase the vision clearance area along streets (arterials) that have higher traffic speeds in an effort to reduce both the potential for vehicle accidents and increase the ability for motorist to see on-coming traffic. The proposed revision will amend the code to increase the legs of a vision clearance triangle for street intersections along an arterial street from 30 foot legs to 40 foot legs. This increased area should be sufficient to allow for greater vision along streets with higher traffic speeds. The demonstrated need is related to providing greater vision clearance as it relates to public safety. As such, 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 October 10, 2012 and also before the City Council on November 19, 2012. 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 proposed planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

**Goal 2 – Land Use Planning:** This ordinance amends the Keizer Development Code. The 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 in accordance with public notice requirements within the Keizer Development Code. Each of the public hearings were conducted before both the planning commission and city council. An opportunity for both verbal and written testimony was provided. No public testimony was received at either the planning commission or at the city council’s public hearing. The proposed revision to the development 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 two zones, Exclusive Farm Use (EFU) and Special Agriculture (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 inside the city limits it will not affect either the EFU or the SA zoned lands or lawful uses occurring on those 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 zones that are specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to Section 2.312 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 development 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. In addition, the city has also been developing storm water regulations which will further protect water quality of the local water ways. The proposed amendment to the development 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. Therefore, the proposed text 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 and other local streams. Land quality is preserved through the city’s erosion control regulations and through development code regulations. Air quality is preserved through the city’s 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 development code regulations governing vision clearance areas 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. The revision to the development code for the proposed text amendment 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 amendment to the city's regulations regarding vision clearance triangle areas within the city limits will not have any impact on the recreational activities or uses that occur on any park land within the city. Vision clearance areas are not utilized for any sort of recreation activity and are not identified in the city's Parks Master Plan as being needed to serve the city's 20 year park needs. Therefore, the amendment 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 recently 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 identified economic opportunities. A follow up to that study is currently being undertaken that will document the economic trends and economic opportunities which are geared

specifically to Keizer. This study is projected to have a final product in the spring of 2013. The proposed amendment to the city's regulations regarding vision clearance triangle areas along arterial streets within the city limits will not have any impact on the city economic development plans. These areas are not areas that could ever be viably developed with any sort of commercial or industrial use. The proposed revision governs the use of land that is a triangular area at the intersection of two streets and the primary objective of restricting placement of material within this area is related to public safety and allowing drivers of vehicles to be able to see on-coming traffic. 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 city recently engaged with the City of Salem to conduct a planning study of buildable lands and housing needs analysis for the Salem – Keizer regional area. A follow up to that study will be for the city to adopt its own local housing needs analysis which will be geared specifically to Keizer and will identify the projected 20 year housing needs for the city. The intent of the proposed text amendment is to modify the city's regulations regarding vision clearance areas within the city limits. It would never be an option to place any sort of housing structure within a vision clearance area given that doing so would be in violation of building setback requirements. The proposed revision governs the use of land that is a triangular area at the intersection of two streets and the primary objective of restricting placement of material within this area is related to public safety and allowing drivers of vehicles to be able to see on-coming traffic. The proposed amendment to Section 2.312 KDC will not impact either this goal or 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, an established street system and administrative services. 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 property is located. The proposed text amendment to slightly increase the vision clearance area along arterial streets will not impact any of the city's public facilities and services. The proposed amendment to Section 2.312 KDC will comply with this goal and all administrative rules.

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The proposed text amendment to the city's regulations regarding vision clearance triangle areas within the city limits will have a positive impact on the city's transportation systems. The purpose of this revision is to increase the vision clearance area along streets (arterials) that have higher traffic speeds in an effort to reduce both the potential

for vehicle accidents and increase the ability for motorist to see on-coming traffic. The proposed revision will amend the code to increase the legs of a vision clearance triangle for street intersections along an arterial street from 30 foot legs to 40 foot legs. This increased area should be sufficient to allow for greater vision along streets with higher traffic speeds. The proposed text amendment will positively affect this goal and any rules.

**Goal 13 – Energy Conservation:** This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed development code text amendment will 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 development code that complies with the goal. The proposed text amendment to the city’s regulations regarding vision clearance area within the city limits 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 revision to the city’s requirements in Section 2.312 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 development code revision to Section 2.312 complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

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

**FINDINGS:** The proposed amendment is intended in part to correct several identified errors within the existing regulations. This revision to Section 2.312 (Yard and Lot Standards) of the Keizer Development Code will revise the vision clearance standard by clarifying the size of the vision clearance triangle based on street type.

A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The triangle area for a driveway/street intersection is a 10 foot leg down both the street and the driveway; while each leg of a street / street intersection has a 30 foot leg. The significance of this area is that it should be free of obstructions that might impede the vision of a motorist from turning onto one of the two streets. The code states that a vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, exceeding 30 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade.

The purpose of this revision is to increase the vision clearance area along streets (arterials) that have higher traffic speeds in an effort to reduce both the potential for vehicle accidents and increase the ability for motorist to see on-coming traffic. The proposed revision will amend the code to increase the legs of a vision clearance triangle for street intersections along an arterial street from 30 foot legs to 40 foot legs. This increased area should be sufficient to allow for greater vision along streets with higher traffic speeds.

While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the development code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revision to Section 2.312 KDC is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

## **2.312 YARD AND LOT STANDARDS**

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

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

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

- A. Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (5/98)
- B. Yards to be Unobstructed. A "required yard" is the minimum required setback area between a structure or manufactured dwelling and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every required yard or setback area shall be open and unobstructed by buildings, or structures from the ground to the sky except for those exceptions permitted in this Section. (07/06)

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

- A. Reduction in Lot Area. Except as provided in 2.312.03.C., no portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing the dwelling units is located. (07/06)
- B. Separation of Required Yards. Except as provided in 2.312.03.C., no required yard or other open space around an existing building shall be separated in ownership from the lot upon which the building is located. (07/06)
- C. Exceptions. In a planned unit development building setbacks and yard areas, open space, and other areas without buildings established pursuant to the standards and the requirements of this Ordinance may be part of a lot containing a dwelling if the area is not common area or other area required to be located within a lot owned by the homeowner's association. (5/98)

# DRAFT 10-12 FORWARDED TO CITY COUNCIL

## **2.312.04 Special Street Setbacks**

- A. Purpose. The special setbacks in this section are based upon the functional classification of streets and roads as described in the comprehensive plan. The purpose of these special setbacks is to allow for the expansion or improvement of streets and roads in order to safely accommodate vehicular or pedestrian traffic. The special setback shall be measured from the centerline of the street right-of-way as noted in 2.312.04.D. (07/06)
- B. Setback Requirements. Required yards and setbacks adjacent to a street shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way. (5/98)
- C. Special Provisions. Except as provided herein structures and paved surfaces shall not be located within the special setbacks specified in 2.312.04.D; below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a nonconforming structure. (5/98)
- D. Special setback requirements: (5/98)

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

\* See functional classification in Section 2.302.04

## **2.312.05 No Parking in Front Yard, Yards Adjacent to a Street**

Moved to 2.303.04

## **2.312.06 Front Yard Projections**

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required front yard not more than two feet. (07/06)

## DRAFT 10-12 FORWARDED TO CITY COUNCIL

- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features, window projects and catilevered second story portion of a building may project not more than two feet into a required front yard. (07/06)
- C. Decks and Patios. Uncovered porches and covered but unenclosed porches, or awnings that are not more than one story high may extend ten feet into the front yard setback. (07/06)

### **2.312.07 Side Yard Projections**

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than four feet in any case. (07/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than one and one-half feet into a required side yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three feet or less in height from ground level. (5/98)

### **2.312.08 Rear Yard Projections**

- A. Building Features. A fire escape, outside stairway, cornice, eaves, gutters or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard. (07/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, other ornamental features, window projection, and catilevered second story portion of the building, may project not more than two feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Steps, Porches, Decks and Patios. Planter boxes, steps, decks, patios, uncovered porches, and covered but unenclosed porches including covered patios, which are not more than 30 inches above grade, are exempt from the minimum rear yard depth requirements. These same features that are more than 30 inches above grade may encroach up to a maximum of ten feet into the rear yard setback area. (07/06)

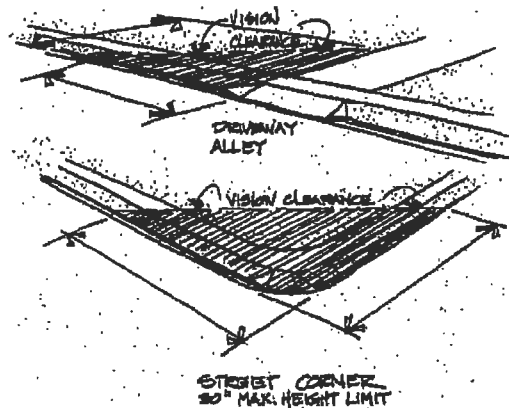
# DRAFT 10-12 FORWARDED TO CITY COUNCIL

## 2.312.09 Vision Clearance

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect ~~except where the intersection is controlled by a traffic signal.~~ The vision clearance area shall conform to the following unless it is determined by the Keizer Traffic Engineer that other methods may be more feasible: (07/06)

A. Generally. A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the ~~face of the curb~~point of intersection, and extend at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (5/98)

B. Street-Driveway Intersection. A vision clearance area at the intersection of a street and a driveway shall be the triangular area established according to the following procedure: (5/98)



Vision Clearance Areas

1. A line extending ten feet from the intersection along the public street right-of-way; (5/98)
2. A line extending ten feet from the intersection along the driveway; (5/98)
3. A third line that creates the triangular vision clearance area by connecting the ends of the lines described in (1) and (2), above. (07/06)
4. This subsection shall apply for street-alley intersections.
5. There is no vision clearance area minimum for driveway/alley intersections.

C. Street-Street Intersections. ~~The vision clearance area for street-street intersections along with at least one arterial streets on all approach legs shall be computed as above but with legs of 40 feet in each direction including intersections with and without major traffic controls, street-~~

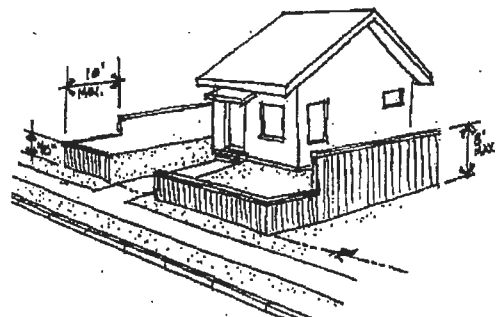


## DRAFT 10-12 FORWARDED TO CITY COUNCIL

~~access easement, and street-alley intersections. The vision clearance area for street-street intersections without traffic signals or without stop signs along collector and local streets on all approach legs shall be computed as above but with legs of 30 feet in each direction. (07/06)~~

- D. ~~Prohibited Placements Development.~~ A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, placement of a sign exceeding 30 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade. In addition, vehicles shall not be parked in a vision clearance area. ~~except that t~~ The following may be allowed in the vision clearance area: (07/06)

1. Trees, provided all branches and foliage are removed to a height of seven feet above grade; (5/98)
2. Telephone, power, and cable television poles; and
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension. (5/98)
4. Public or governmental signs



Fence Standards

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

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

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of any vision clearance area indentified in Section 2.312.09. Fences and walls shall not exceed a height of three and one-half feet within ten feet of any property line adjacent to the street. A sight obscuring fence that is placed in the rear yard or side yard may encroach within this 10 foot setback area but shall be placed no closer than 3 feet to the property line along a street and may exceed the three and one-half feet height restriction. A fence, or wall, may not exceed eight feet in height. A fence or wall over six feet in height will require a building permit. (06/07)
2. Construction material: Fences or walls constructed of the following materials, including, but not limited to barbed wire, electric fencing, broken glass, wooden pallets, tarps, corrugated metal, and spikes

## DRAFT 10-12 FORWARDED TO CITY COUNCIL

shall generally be prohibited. Agricultural uses may utilize electric and barbed wire fencing. (07/06)

3. An entrance wall or gate to a subdivision, planned unit development or other residential development shall be permitted provided the wall or gate does not exceed six feet in height nor violate provisions of the vision clearance area. (5/98)

### B. Commercial and Industrial Uses

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence or wall may not exceed 12 feet in height. A fence or wall over six feet in height will require a building permit. (07/06)
2. Construction material: A conditional use shall be required for an electrical or barbed wire fence in the CM zone. Electric and barbed wire fencing shall be permitted in the IG, AI, and CG, zones provided that a proposed fence is not placed in the front yard (see definition Yard Front) along either a public or private street; is screened from adjacent residential zones; and, does not include any concertina wire. In no event shall barbed wire be placed lower than six (6) feet above finished ground level, except for fences constructed in connection with agricultural uses. Barbed wire fencing shall be angled inward. (01/09)

1 BILL NO. 649

A BILL

ORDINANCE NO.  
2012- 670

2  
3 FOR

4  
5 AN ORDINANCE

6  
7  
8 AMENDING KEIZER DEVELOPMENT CODE REGARDING  
9 SECTION 2.312 (YARD AND LOT STANDARDS);  
10 AMENDING ORDINANCE 98-389  
11

12  
13 WHEREAS, the Keizer Planning Commission has recommended to the Keizer  
14 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

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

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

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

22 NOW, THEREFORE,

23 The City of Keizer ordains as follows:

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

26

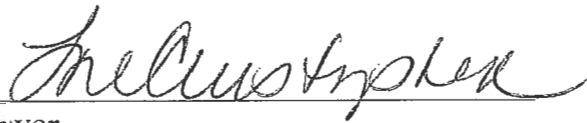
1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The  
2 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption  
3 of the changes to Section 2.312 (Yard and Lot Standards) as set forth in Exhibit "B"  
4 attached hereto, and by this reference incorporated herein.

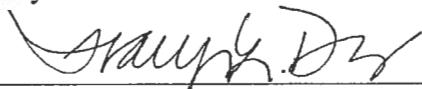
5 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,  
6 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or  
7 is denied acknowledgment by any court or board of competent jurisdiction, including,  
8 but not limited to the Land Use Board of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

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

14 PASSED this 17th day of December, 2012

15  
16 SIGNED this 17th day of December, 2012

17  
18  
19   
20 \_\_\_\_\_  
Mayor

21  
22   
23 \_\_\_\_\_  
City Recorder

## EXHIBIT "A"

### Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.312 – Yard and Lot Standards).

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

The City of Keizer finds that:

1. General Findings.
  - a. The particulars of this case are found within planning file Text Amendment 2011-14. Public hearings were held before the Planning Commission on October 10, 2012 and also before the City Council on November 19, 2012. The Planning Commission reviewed the proposed revisions and in a unanimous vote recommended that it be adopted. The City Council voted to direct staff to prepare findings and an ordinance to adopt the proposed text amendment.
  - b. The proposed text amendment will revise Section 2.312 (Yard and Lot Standards) regarding vision clearance areas.
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 development 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. The Yard and Lot Standards regulations within the Development Code was last reviewed in 2009 to include provisions regarding fences. The revisions to revise Section 2.312 (Yard and Lot Standards) of the Keizer Development Code are intended to clarify an ambiguity within the existing regulations. A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The triangle area for a driveway/street intersection is a 10 foot leg down both the street and the driveway; while a each leg of a street / street intersection has a 30 foot leg. The significance of this area is that is that it should be

free of obstructions that might impede the vision of a motorist from turning onto one of the two streets.

The purpose of this revision is to increase the vision clearance area along streets (arterials) that have higher traffic speeds in an effort to reduce both the potential for vehicle accidents and increase the ability for motorist to see on-coming traffic. The proposed revision will amend the code to increase the legs of a vision clearance triangle for street intersections along an arterial street from 30 foot legs to 40 foot legs. This increased area should be sufficient to allow for greater vision along streets with higher traffic speeds. The demonstrated need is related to providing greater vision clearance as it relates to public safety. As such, 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 October 10, 2012 and also before the City Council on November 19, 2012. 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 proposed planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

**Goal 2 – Land Use Planning:** This ordinance amends the Keizer Development Code. The 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 in accordance with public notice requirements within the Keizer Development Code. Each of the public hearings were conducted before both the planning commission and city council. An opportunity for both verbal and written testimony was provided. No public testimony was received at either the planning commission or at the city council’s public hearing. The proposed revision to the development 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 two zones, Exclusive Farm Use (EFU) and Special Agriculture (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 inside the city limits it will not affect either the EFU or the SA zoned lands or lawful uses occurring on those 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 zones that are specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to Section 2.312 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 development 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. In addition, the city has also been developing storm water regulations which will further protect water quality of the local water ways. The proposed amendment to the development 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. Therefore, the proposed text 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 and other local streams. Land quality is preserved through the city's erosion control regulations and through development code regulations. Air quality is preserved through the city's 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 development code regulations governing vision clearance areas 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. The revision to the development code for the proposed text amendment 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 amendment to the city's regulations regarding vision clearance triangle areas within the city limits will not have any impact on the recreational activities or uses that occur on any park land within the city. Vision clearance areas are not utilized for any sort of recreation activity and are not identified in the city's Parks Master Plan as being needed to serve the city's 20 year park needs. Therefore, the amendment 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 recently 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 identified economic opportunities. A follow up to that study is currently being undertaken that will document the economic trends and economic opportunities which are geared



specifically to Keizer. This study is projected to have a final product in the spring of 2013. The proposed amendment to the city's regulations regarding vision clearance triangle areas along arterial streets within the city limits will not have any impact on the city economic development plans. These areas are not areas that could ever be viably developed with any sort of commercial or industrial use. The proposed revision governs the use of land that is a triangular area at the intersection of two streets and the primary objective of restricting placement of material within this area is related to public safety and allowing drivers of vehicles to be able to see on-coming traffic. 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 city recently engaged with the City of Salem to conduct a planning study of buildable lands and housing needs analysis for the Salem – Keizer regional area. A follow up to that study will be for the city to adopt its own local housing needs analysis which will be geared specifically to Keizer and will identify the projected 20 year housing needs for the city. The intent of the proposed text amendment is to modify the city's regulations regarding vision clearance areas within the city limits. It would never be an option to place any sort of housing structure within a vision clearance area given that doing so would be in violation of building setback requirements. The proposed revision governs the use of land that is a triangular area at the intersection of two streets and the primary objective of restricting placement of material within this area is related to public safety and allowing drivers of vehicles to be able to see on-coming traffic. The proposed amendment to Section 2.312 KDC will not impact either this goal or 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, an established street system and administrative services. 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 property is located. The proposed text amendment to slightly increase the vision clearance area along arterial streets will not impact any of the city's public facilities and services. The proposed amendment to Section 2.312 KDC will comply with this goal and all administrative rules.

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The proposed text amendment to the city's regulations regarding vision clearance triangle areas within the city limits will have a positive impact on the city's transportation systems. The purpose of this revision is to increase the vision clearance area along streets (arterials) that have higher traffic speeds in an effort to reduce both the potential

for vehicle accidents and increase the ability for motorist to see on-coming traffic. The proposed revision will amend the code to increase the legs of a vision clearance triangle for street intersections along an arterial street from 30 foot legs to 40 foot legs. This increased area should be sufficient to allow for greater vision along streets with higher traffic speeds. The proposed text amendment will positively affect this goal and any rules.

**Goal 13 – Energy Conservation:** This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed development code text amendment will 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 development code that complies with the goal. The proposed text amendment to the city’s regulations regarding vision clearance area within the city limits 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 revision to the city’s requirements in Section 2.312 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 development code revision to Section 2.312 complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

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

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

**FINDINGS:** The proposed amendment is intended in part to correct several identified errors within the existing regulations. This revision to Section 2.312 (Yard and Lot Standards) of the Keizer Development Code will revise the vision clearance standard by clarifying the size of the vision clearance triangle based on street type.

A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The triangle area for a driveway/street intersection is a 10 foot leg down both the street and the driveway; while each leg of a street / street intersection has a 30 foot leg. The significance of this area is that it should be free of obstructions that might impede the vision of a motorist from turning onto one of the two streets. The code states that a vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, exceeding 30 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade.

The purpose of this revision is to increase the vision clearance area along streets (arterials) that have higher traffic speeds in an effort to reduce both the potential for vehicle accidents and increase the ability for motorist to see on-coming traffic. The proposed revision will amend the code to increase the legs of a vision clearance triangle for street intersections along an arterial street from 30 foot legs to 40 foot legs. This increased area should be sufficient to allow for greater vision along streets with higher traffic speeds.

While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the development code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revision to Section 2.312 KDC is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

## **2.312 YARD AND LOT STANDARDS**

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

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

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

- A. Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (5/98)
- B. Yards to be Unobstructed. A "required yard" is the minimum required setback area between a structure or manufactured dwelling and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every required yard or setback area shall be open and unobstructed by buildings, or structures from the ground to the sky except for those exceptions permitted in this Section. (07/06)

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

- A. Reduction in Lot Area. Except as provided in 2.312.03.C., no portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing the dwelling units is located. (07/06)
- B. Separation of Required Yards. Except as provided in 2.312.03.C., no required yard or other open space around an existing building shall be separated in ownership from the lot upon which the building is located. (07/06)
- C. Exceptions. In a planned unit development building setbacks and yard areas, open space, and other areas without buildings established pursuant to the standards and the requirements of this Ordinance may be part of a lot containing a dwelling if the area is not common area or other area required to be located within a lot owned by the homeowner's association. (5/98)

# DRAFT 10-12 FORWARDED TO CITY COUNCIL

## **2.312.04 Special Street Setbacks**

- A. Purpose. The special setbacks in this section are based upon the functional classification of streets and roads as described in the comprehensive plan. The purpose of these special setbacks is to allow for the expansion or improvement of streets and roads in order to safely accommodate vehicular or pedestrian traffic. The special setback shall be measured from the centerline of the street right-of-way as noted in 2.312.04.D. (07/06)
- B. Setback Requirements. Required yards and setbacks adjacent to a street shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way. (5/98)
- C. Special Provisions. Except as provided herein structures and paved surfaces shall not be located within the special setbacks specified in 2.312.04.D, below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a nonconforming structure. (5/98)
- D. Special setback requirements: (5/98)

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

\* See functional classification in Section 2.302.04

## **2.312.05 No Parking in Front Yard, Yards Adjacent to a Street**

Moved to 2.303.04

## **2.312.06 Front Yard Projections**

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required front yard not more than two feet. (07/06)

## DRAFT 10-12 FORWARDED TO CITY COUNCIL

- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features, window projects and catilevered second story portion of a building may project not more than two feet into a required front yard. (07/06)
- C. Decks and Patios. Uncovered porches and covered but unenclosed porches, or awnings that are not more than one story high may extend ten feet into the front yard setback. (07/06)

### **2.312.07 Side Yard Projections**

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than four feet in any case. (07/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than one and one-half feet into a required side yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three feet or less in height from ground level. (5/98)

### **2.312.08 Rear Yard Projections**

- A. Building Features. A fire escape, outside stairway, cornice, eaves, gutters or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard. (07/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, other ornamental features, window projection, and catileverd second story portion of the building, may project not more than two feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Steps, Porches, Decks and Patios. Planter boxes, steps, decks, patios, uncovered porches, and covered but unenclosed porches including covered patios, which are not more than 30 inches above grade, are exempt from the minimum rear yard depth requirements. These same features that are more than 30 inches above grade may encroach up to a maximum of ten feet into the rear yard setback area. (07/06)

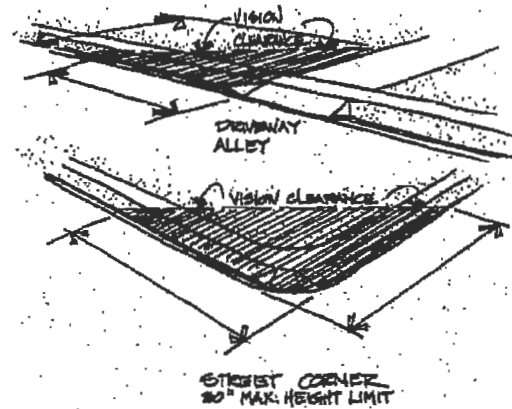
# DRAFT 10-12 FORWARDED TO CITY COUNCIL

## 2.312.09 Vision Clearance

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect except where the intersection is controlled by a traffic signal. The vision clearance area shall conform to the following unless it is determined by the Keizer Traffic Engineer that other methods may be more feasible: (07/06)

A. Generally. A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the face of the curbpoint of intersection, and extend at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (5/98)

B. Street-Driveway Intersection. A vision clearance area at the intersection of a street and a driveway shall be the triangular area established according to the following procedure: (5/98)



Vision Clearance Areas

1. A line extending ten feet from the intersection along the public street right-of-way; (5/98)
2. A line extending ten feet from the intersection along the driveway; (5/98)
3. A third line that creates the triangular vision clearance area by connecting the ends of the lines described in (1) and (2), above. (07/06)
4. This subsection shall apply for street-alley intersections.
5. There is no vision clearance area minimum for driveway/alley intersections.

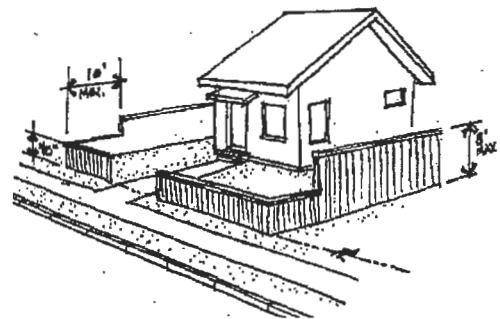
C. Street-Street Intersections. The vision clearance area for street-street intersections along with at least one arterial streets on all approach legs shall be computed as above but with legs of 40 feet in each direction including intersections with and without major traffic controls, street-

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~~access easement, and street-alley intersections. The vision clearance area for street-street intersections without traffic signals or without stop signs along collector and local streets on all approach legs shall be computed as above but with legs of 30 feet in each direction. (07/06)~~

- D. Prohibited Placements Development. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, placement of a sign exceeding 30 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade. In addition, vehicles shall not be parked in a vision clearance area. ~~except that t~~The following may be allowed in the vision clearance area: (07/06)

1. Trees, provided all branches and foliage are removed to a height of seven feet above grade; (5/98)
2. Telephone, power, and cable television poles; and
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension. (5/98)
4. Public or governmental signs



Fence Standards

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

- A. Residential, Public and Semi-Public Uses

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of any vision clearance area identified in Section 2.312.09. Fences and walls shall not exceed a height of three and one-half feet within ten feet of any property line adjacent to the street. A sight obscuring fence that is placed in the rear yard or side yard may encroach within this 10 foot setback area but shall be placed no closer than 3 feet to the property line along a street and may exceed the three and one-half feet height restriction. A fence, or wall, may not exceed eight feet in height. A fence or wall over six feet in height will require a building permit. (06/07)
2. Construction material: Fences or walls constructed of the following materials, including, but not limited to barbed wire, electric fencing, broken glass, wooden pallets, tarps, corrugated metal, and spikes



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shall generally be prohibited. Agricultural uses may utilize electric and barbed wire fencing. (07/06)

3. An entrance wall or gate to a subdivision, planned unit development or other residential development shall be permitted provided the wall or gate does not exceed six feet in height nor violate provisions of the vision clearance area. (5/98)

### B. Commercial and Industrial Uses

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence or wall may not exceed 12 feet in height. A fence or wall over six feet in height will require a building permit. (07/06)
2. Construction material: A conditional use shall be required for an electrical or barbed wire fence in the CM zone. Electric and barbed wire fencing shall be permitted in the IG, AI, and CG, zones provided that a proposed fence is not placed in the front yard (see definition Yard Front) along either a public or private street; is screened from adjacent residential zones; and, does not include any concertina wire. In no event shall barbed wire be placed lower than six (6) feet above finished ground level, except for fences constructed in connection with agricultural uses. Barbed wire fencing shall be angled inward. (01/09)

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