



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 27, 2016

Jurisdiction: City of Keizer

Local file no.: 2015-18

DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/22/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 006-15 {24066}

Received: 1/22/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Keizer

Local file no.: **2015-18**

Date of adoption: 01/19/2016

Date sent: 9/29/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Sam Litke, Senior Planner

Phone: 503-856-3442

E-mail: litkes@keizer.org

Street address: 930 Chemawa Rd

City: Keizer

Zip: 97307-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

NA

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Amend Section 2.313 (Accessory Structures) of the Keizer Development Code.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

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A BILL

ORDINANCE NO.
2016- 744

FOR

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING
SECTION 2.313 (ACCESSORY STRUCTURES AND USES);
AMENDING ORDINANCE 98-389

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

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

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

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

NOW, THEREFORE,

The City of Keizer ordains as follows:

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

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

2 The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the
3 adoption of the changes to Section 2.313 (Accessory Structures and Uses) as set forth
4 in Exhibit "B" attached hereto, and by this reference incorporated herein.

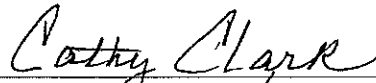
5 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
6 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional,
7 or is denied acknowledgment by any court or board of competent jurisdiction,
8 including, but not limited to the Land Use Board of Appeals,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

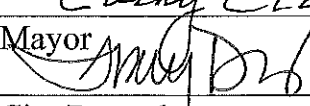
13 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
14 days after its passage.

15 PASSED this 19th day of January, 2016.

16 SIGNED this 19th day of January, 2016.

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Mayor


City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to Section 2.313 (Accessory Structures and Uses) in the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.
The particulars of this case are found within Planning file Text Amendment 2015-18. Public hearings were held before the Planning Commission on November 4, 2015, and before the City Council on December 7, 2015. Both the Planning Commission and the City Council supported the proposed revisions.
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 revisions to the zone code reflect 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 demonstrated need is related to providing clarity and updates related to the City's regulations, regarding accessory structures and so therefore this text amendment 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, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes. Public hearings were held before the Planning Commission on November 4, 2015, and before the City Council on December 7, 2015. Citizens were afforded the opportunity to participate in the public process. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this 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 city has an adopted comprehensive plan acknowledged by the state. The adoption proceeding was conducted in a manner consistent with the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. The proposed revision to the Keizer 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 the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city’s SA zone is a state recognized EFU qualifying zone. The amendment involves regulations within the boundaries of the city limits of Keizer and will not affect lands that are outside the city limits or any lawful uses occurring on those lands. The proposed amendment will comply with the Farm Land Goal and with implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands designated for commercial forest uses. There are no zone districts specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near, or adjacent to the city limits of Keizer. The amendment to the KDC does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The proposed amendment will comply with the Forest Land Goal and with implementing administrative rules.

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 has a local wetland inventory of sites where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the city is updating storm water regulations to protect water quality of the local water ways. The proposed amendment will not affect or preclude any of the city’s natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the proposed text amendment is consistent with this goal and with implementing administrative rules.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city’s air, water and land qualities. The city provides its residents with city water from groundwater sources. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality

in the Willamette River and local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses and are enforced by appropriate state agencies which govern air emission standards. The revisions to the city's accessory structures standards will comply with this goal and with the administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. While there are some steep slopes in the northwest quadrant of the city, there are no mapped areas of steep slopes in Keizer that might warrant any special engineering. The 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 parks, playgrounds, and recreational opportunities within the city limits and plans for the city's future park and recreation needs. The proposed amendment will have no impact on the recreational activities that occur on any park land within the city and will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. Current employment were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels. The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. The EOA shows there is a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. The proposed text amendment will not have any adverse impact on the economic development activities or uses within the city. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number of households by 4,366 households which will represent a population growth of 11,833 new residents. The analysis projects the need for 4,513 new units to house the future population.

The inventory of buildable residential lands finds a current supply of 315.2 acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need of 267 gross acres of residential land. The proposed amendment will have no impact on this goal.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, an established street system, administrative services and police services. Sanitary sewer service is provided by the city of Salem through an intergovernmental agreement. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning period. The proposed text amendment will not impact any of the city's public facilities and services will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The proposed revisions govern the city's regulations for off-street automobile and bicycle parking regulations. The city has determined that the text amendment to standards regarding the design and location of accessory structures will not significantly affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The proposed text amendment will have no adverse impact on the city's transportation systems and so will not affect this goal nor any implementing rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendment will have no impact on 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 will affect only land that is within the city limits and will not impact the use of any land being transitioned from rural to urbanized uses and so is therefore consistent with this goal.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The revision to the city’s development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast, these goals are not applicable. In consideration of the above findings, the proposed zone code revisions comply with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

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

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

FINDINGS: The proposed text amendment will revise Section 2.313 (Accessory Structures and Uses). Notable revisions include:

- Explicitly indicate that an accessory structure is secondary to the primary use on the property.
- Allow an accessory structure to be placed at a side or rear property line provided that it is no more than 8 feet in height.
- Allow an accessory structure to be increased from the maximum size limit of 600 square feet to 750 square feet if no garage exists on the property and all, or part, of the structure will be used as a garage.
- Accessory structures greater than 200 square feet shall be compatible with the existing residential structure and that metal horizontal lap siding may be used as a building material.
- Prohibit unmodified shipping containers, tarps, or material which is not intended for long-term exposure to the elements from being considered an accessory structure.

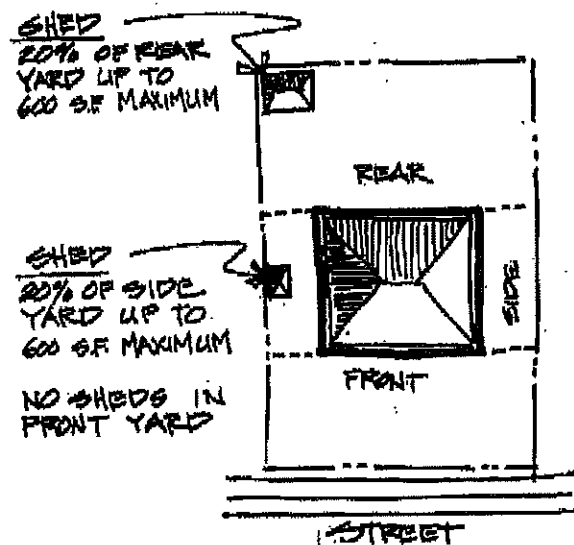
While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendments are not mandated by state law. The City Council has, by this adoption,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

2.313 ACCESSORY STRUCTURES AND USES

2.313.01 Single Family and Duplex

Accessory structures are considered secondary to the primary use occurring on the property and require that the primary use be located on the same parcel as the accessory structure. For single family residential and duplex uses on an individual lot the following standards apply: (5/98)

- A. Location and Number. Accessory structures shall be located within the rear or side yard. A maximum number of two accessory structures are permitted. (01/07)
- B. Height. The maximum allowable height is 24 feet, except that the accessory structure shall not exceed the height of the primary building. (5/98)
- C. Property Setbacks. When a wall adjacent to a property line is 9 feet or less in height, the minimum setback shall be 2 feet. An accessory structure less than 8 feet in wall height including gabled ends may be located at the property line provided it is constructed consistent with building and fire code regulations. For each 1 foot increase in the wall height above 9 feet, the setback shall increase 1 additional foot. The minimum setback adjacent to an alley shall be 1 foot. (5/98)
- D. Building Separation. An accessory structure shall be separated from the primary building by a minimum of 6 feet. An accessory structure that is less than 6 feet from the primary structure, ~~or is~~ or is connected to the primary structure by a fully enclosed walkway which is architecturally compatible with the architecture of the primary structure, will be subject to the setback requirements of the primary structure. However, the requirements governing height, size, lot coverage and exterior finish will still apply. (01/07)
- E. Building Size and Lot Coverage. The accessory structure shall be limited to a maximum ground floor area of 600 square feet. If no garage exists on the property and the new accessory structure is proposed to accommodate a vehicle it may be 750 square feet in size. Additionally, in no case shall the accessory structure



Accessory Structure Standards

occupy more than 20% of the entire rear or side yard. The building size limitation shall be considered the maximum allowable area permitted for all accessory structures on the property. (01/07)

- F. Exterior Finish. Accessory structures greater than ~~240~~ 200 square feet in area shall be compatible with the existing residential structure ~~have an exterior finish that is residential in character.~~ Metal siding other than horizontal lap siding that is residential in character shall be prohibited. ~~on accessory structures exceeding 240 square feet in area.~~ (5/98)
- G. Prohibited materials. Unmodified shipping containers, tarps or other material not intended for long-term exposure to the elements are not considered to be accessory structures and are prohibited.

2.313.02 Multi-Family, Commercial, Industrial Structures

For multi-family, public, semi-public, commercial and industrial uses: (5/98)

- A. Location and Number. Accessory structures may be located within any yard area. There is no limit to the number of permitted accessory structures. (5/98)
- B. Height. The accessory structure shall comply with the height limitations of the underlying zone. (5/98)
- C. Property Setbacks. Accessory structures shall comply with the setbacks for the primary building in the underlying zone. (5/98)
- D. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of 10 feet. (5/98)
- E. Building Size and Lot Coverage. There is no limit to the size of the accessory structure provided the structure and all buildings on the property comply with the lot coverage limitations of the underlying zone. (5/98)