



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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Salem, OR 97301-2540

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## NOTICE OF ADOPTED AMENDMENT

February 2, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment  
DLCD File Number 003-06

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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 16, 2007**

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

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

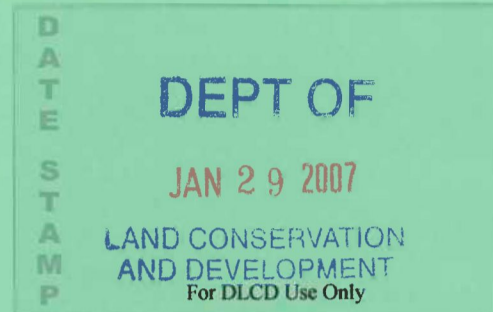
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Sam Litkes, City Of Keizer

<paa> ya/

**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: City of Keizer Local file number: Text Amend 2006-35

Date of Adoption: 1/22/2007 Date Mailed: 1/26/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 8/25/2006

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

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

**1. Section 2.113 (Industrial Business Park) - Includes development standards for Flexible Space uses on IBP designated located outside of the Keizer Station.**

**2. Section 3.204 (Public Notice Requirements) - Amends code to require that notice be published 10 days prior to a hearing for all land use actions.**

**3. Section 2.313 (Accessory Structures and Uses) - Clarifies language governing building separation between an accessory structure and a dwelling.**

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

- 1. Same.**
- 2. Same.**
- 3. Same.**

Plan Map Changed from: NA to: NA

Zone Map Changed from: NA to: NA

Location: NA Acres Involved: NA

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: NA

Was an Exception Adopted?  YES  NO

DLCD File No.: 003-06(15499)

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

**Forty-five (45) days prior to first evidentiary hearing?**  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

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

**NA**

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

Address: **930 Chemawa Rd** City: **Keizer**

Zip Code + 4: **97303-** Email Address: **litkes@keizer.org**

### ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

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

1 BILL NO. 552

A BILL

ORDINANCE NO.

2

2007- 531

3

FOR

4

AN ORDINANCE

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8

AMENDING KEIZER DEVELOPMENT CODE

9

REGARDING SECTION 2.113 (INDUSTRIAL

10

BUSINESS PARK (IBP)), SECTION 2.313

11

(ACCESSORY STRUCTURES AND USES), AND

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SECTION 3.204 (PUBLIC NOTICE REQUIREMENTS);

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AMENDING ORDINANCE 98-389

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WHEREAS, the Keizer Planning Commission has recommended to the Keizer

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City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

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WHEREAS, the City Council has held a hearing on this matter and considered the

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testimony given and the recommendation of the Keizer Planning Commission; and

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WHEREAS, the Keizer City Council has determined that it is necessary and

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appropriate to amend the Keizer Development Code as set forth herein; and

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WHEREAS, the Keizer City Council has determined that such amendments meet

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the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer

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Development Code;

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1 NOW, THEREFORE,

2 The City of Keizer ordains as follows:

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

5 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The  
6 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption  
7 of the changes to Section 2.113 (Industrial Business Park (IBP), Section 2.313  
8 (Accessory Structures and Uses), and Section 3.204 (Public Notice Requirements) as set  
9 forth in Exhibit "B" attached hereto, and by this reference incorporated herein.

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

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

3 PASSED this 22nd day of January, 2007.

4  
5 SIGNED this 22nd day of January, 2007.

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9 Mayor

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11  
12 City Recorder

**EXHIBIT "A"**

**FINDINGS REGARDING THE ADOPTION OF AMENDMENTS TO THE  
KEIZER DEVELOPMENT CODE (SECTION 2.113, INDUSTRIAL BUSINESS  
PARK; 2.313 ACCESSORY STRUCTURES AND USES; 3.204 PUBLIC NOTICE  
REQUIREMENTS)**

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

The City of Keizer finds that:

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

**Findings:** The proposed revisions to the zone code to Section 2.113 (Industrial Business Park); Section 2.313. (Accessory Structures and Uses); Section 3.204 (Public Notice Requirements) reflect a demonstrated need. The City Council has recognized that from time to time the City's 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 intent is to identify several chapters from time to time that can be updated in a manageable format. The proposed revisions will allow for the zone code to be updated so that it is both easier for the general public to read and understand, and also eliminates identified confusions within the regulations. Section 2.313 (Accessory Structures and Uses) is intended to clarify language governing the section of the code governing building separation between an accessory structure and a dwelling. Section 3.204 (Public Notice Requirements) will require that notice be published 10 days prior to a hearing for all land use actions. Currently, the code contains sections that require either 10 or 20 days prior to a specific hearing that notice is published. This inconsistency has resulted in conflicts in scheduling hearings given the publishing requirements. The amendment will result in uniformity and minimize confusion. Section 2.113 (Industrial Business Park) contains a proposed revision to allow flexible space uses on Industrial Business Park (IBP) designated located outside of the Keizer Station. Currently, this type of use is allowed on lands inside the Keizer Station but the code is ambiguous as to whether this type of use is either prohibited or permitted. Therefore, the proposed code revision complies with this review criterion.

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

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

**Goal 1 – Citizen Involvement:** The adoption of this ordinance followed notice to interested parties, and a public process of decision making involving a public hearing, deliberation, and ordinance adoption. This is consistent with provision of the opportunity for citizens to be involved in all phases of this planning process as required by this Goal and with implementing administrative rules within Oregon Administrative Rules.

**Goal 2 – Land Use Planning:** This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times, and public hearings were conducted before both the planning commission and city council. As such, the proposed revisions to the zone code are consistent with this statewide planning goal and administrative rules.

**Goal 3 – Farm Land:** The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there is only one zone located in the northwest portion of the city near the city's urban growth boundary that is designated to allow for commercial agricultural uses. The amendments involve the regulations within the boundaries of the city limits of Keizer. The amendments do not impact any properties that are designated to allow for agricultural uses. Therefore the proposed amendments will comply with the Farm Land Goal and with any implementing administrative rules.

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

**Goal 5 – Natural Resources:** The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. Amendments to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendments will be consistent with this goal and with administrative rules deigned to implement this goal.

**Goal 6 – Air, Water and Land Quality:** The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected



to the established sanitary sewer system reducing the likelihood of groundwater contamination from failing on-site septic systems. The revisions to the city's zone code will not impact the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

**Goal 7 – Natural Hazards:** The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. The revisions to the zone code will neither impact this goal nor any administrative rules.

**Goal 8 – Recreation:** This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The proposed amendments will only pertain to allowance for flexible use space in the IBP zone, placement of accessory structures, and public notice requirements and will have no impact on the recreational activities or uses within the city. Therefore, this goal and any related rules are not applicable.

**Goal 9 – Economic Development:** The intent of this goal is to ensure that the city plans for its overall economic vitality. The revisions to the zone code will allow for the opportunity for flexible use space on lands designated IBP that are outside the Keizer Station. Section 2.113 contains a proposed revision to allow flexible space uses on IBP designated located outside of the Keizer Station. Currently, this type of use is allowed on lands inside the Keizer Station but the code is ambiguous as to whether this type of use is either prohibited or permitted outside Keizer Station. The intent of the flexible space use concept is to allow a limited amount of commercial retail uses within an otherwise industrial zone district. There are only two locations of IBP zoned properties – either within the boundary of the Keizer Station or in an area along Cherry Ave / Candlewood / Shady Lane. The proposed change will amend Section 2.113.02.N by adding a new section with development standards that apply specifically to non-Keizer Station IBP land. The standards will limit this type of use to property that has frontage along an arterial or collector streets; includes provisions regarding outdoor storage; and requires that the frontage facing the street contain a minimum of 35% windows. As such, this revision should have a positive impact on opportunities for economic development. Therefore, the proposed amendments comply with the goal and any related administrative rules.

**Goal 10 – Housing:** This goal requires the city to plan and provide for the housing needs of its residents. The proposed revisions will have no impact on the ability to develop property with a residential multi-family development. The amendments to the accessory structure standards will clarify Section 2.313 (Accessory Structures and Uses) to clarify language governing the section of the code governing building separation between an accessory structure and a

dwelling. The revisions to the code for public notice requirements, and to allow flexible use space in an IBP zone that is outside of the Keizer Station will have no impact on either this goal or on any related rules.

**Goal 11- Public Facilities and Services:** The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, has an established street system, administrative and police and public safety is also provided by the city. The proposed revisions will not impact any of the city's public facilities and services, and so this goal and any rules are not applicable.

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The proposed amendment to allow flexible use space development on lands that are designated IBP and that are outside of the Keizer Station can only be allowed on lands that have frontage along either a collector or an arterial street and so will have no impact on residential streets. Because there is only one IBP district that is outside the Keizer Station any impact will be further minimized. The proposed revisions to the public notice provision and the revision to the accessory structure section will not impact any of the city's public transportation systems, and so this goal and any rules are not applicable.

**Goal 13 – Energy Conservation:** This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards and so this goal and implementing administrative rules is not applicable.

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

**Goal 15 – Willamette River:** This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions will have no impact on the ability of the city to regulate uses along the river 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 to Section 2.113 (Industrial Business Park); Section 2.31 (Accessory Structures and Uses); Section 3.204 (Public Notice Requirements) complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

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

**FINDINGS:** The proposed amendments to the zone code represent a logical implementation of the Keizer Comprehensive Plan. The amendments will correct several identified grammar errors within the existing zone code and is intended to make a number of clarifications that will make the code easier to read. None of other the proposed amendments are mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

## **2.113 INDUSTRIAL BUSINESS PARK (IBP)**

### **2.113.01 Purpose and Uses**

- A. Purpose. The IBP zone is intended to provide for high quality light industrial and office parks with related commercial uses. It sets high design standards focusing on visual aesthetics, while providing a framework for the marketplace to work within creating vibrant, economically viable commerce centers. (5/98)
- B. Classification of Uses: Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC), Manual, Numbers in parenthesis following a use designation indicate that the use is listed and described under the number in the SIC. Where particular activities otherwise included under a SIC category are excluded from the permitted, a special, or conditional uses, those particular activities are listed, preceded by the words, "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter. The IBP zone may be utilized in conjunction with overlay zones, such as the AC (Activity Center) overlay zone used within the Keizer Station Plan, which may include use and development standards which are more restrictive than those found in this chapter. (02/03)

### **2.113.02 Permitted Uses.**

The following uses, when developed under the general development standards in this zoning code applicable to the IBP district and to all such uses, generally, are permitted in the IBP district: (5/98)

- A. **Agriculture forestry and fishing;** (5/98)
  - 1. Agricultural production-crops (01). (5/98)
- B. **Manufacturing;** (5/98)
  - 1. Grain mill products (204). (5/98)
  - 2. Bakery products (205). (5/98)
  - 3. Beverages (208). (5/98)
  - 4. Miscellaneous food preparations and kindred products (209). (5/98)
  - 5. The manufacture of meat products (201) but excluding both meat packing plant and any on site abattoirs and slaughtering (2011), rendering of fats (2077), processing of hides and maintenance of live animals or fowl. (5/98)
  - 6. Textile mill products (22). (5/98)

7. Apparel and other finished products made from fabrics and similar products (23). (5/98)
8. Wood kitchen cabinets (2434). (5/98)
9. Nailed and lock corner wood boxes and shook (2441). (5/98)
10. Wood products, not elsewhere classified (2499). (5/98)
11. Furniture and fixtures (25). (5/98)
12. Paperboard containers and boxes (265). (5/98)
13. Printing, publishing, and allied industries (27). (5/98)
14. Drugs (283). (5/98)
15. Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284). (5/98)
16. Miscellaneous plastic products (308). (5/98)
17. Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311). (5/98)
18. Glass products, made of purchased glass (323). (5/98)
19. Pottery and related products (326). (5/98)
20. Metal cans and shipping containers (341). (5/98)
21. Cutlery, hand tools, and general hardware (342). (5/98)
22. Heating equipment, except electric and warm air, and plumbing fixtures (343). (5/98)
23. Fabricated structural metal products (344). (5/98)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers (345). (5/98)
25. Metal forgings and stampings (346). (5/98)

26. Metalworking machinery and equipment (354). (5/98)
  27. Special industry machinery, except metalworking machinery (355). (5/98)
  28. Pumps and pumping equipment (3561). (5/98)
  29. Office, computing, and accounting machines (357). (5/98)
  30. Electrical and electronic machinery, equipment, and supplies (36). (5/98)
  31. Transportation Equipment (37). (5/98)
  32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks (38). (5/98)
  33. Miscellaneous manufacturing industries (39). (5/98)
- C. **Transportation, communications, electric, gas, and sanitary services;**
1. Motor freight transportation and warehousing (42). (5/98)
  2. Communication (48). (5/98)
  3. Public Utility Structures and Buildings (49). (5/98)
- D. **Wholesale trade-nondurable goods (51) BUT EXCLUDING** poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (5169), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified (5199). (5/98)
- E. **Wholesale trade-durable goods (50) BUT EXCLUDING** automobiles and other motor vehicles (501), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials (5093). (5/98)
- F. The uses (b) through (e), excluding c) iii) shall:
1. Be within an enclosed building; and
  2. Permit retail sales of products manufactured on the site. (5/98)
- G. **Services** (5/98)

1. Computer and data processing services (737). (5/98)
2. Research and development laboratories (873). (5/98)
3. Management, consulting, and public relations services (874). (5/98)
4. Noncommercial educational, scientific, and research organizations (8733). (5/98)

**H. Public administration;** (5/98)

1. ~~Fire protection~~ Public order and safety (922) except correctional institutions (9223). (5/98)

**I. Office Uses;** (5/98)

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in 2.108.02.A, B, C, PP, and RR. (5/98)

**J. Retail trade;** (5/98)

1. Eating and drinking places (58). (5/98)

**K. Finance, Insurance, and Real Estate;** (5/98)

1. Commercial and Stock Savings Banks (602). (5/98)
2. Mutual Savings Bank (603). (5/98)
3. Savings and Loan Associations (603). (5/98)
4. Personal Credit Institutions (606). (5/98)

**L. Services** (07/06)

1. Hotels, motels, and tourist courts (7011). (5/98)
2. Child daycare services (8351). (5/98)
3. Membership sports and recreation clubs (7997). (5/98)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)

5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833). (07/06)
6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)
7. Miscellaneous services. (5/98)

**M. Transit stop shelters.** (5/98)

**N. Flexible Space Uses**

1. The following uses, when restricted, developed, and conducted as required in subsections **2 and 3** below, are permitted in the IBP district
  - a. Food Stores (54). (5/98)
  - b. Apparel and Accessory Stores (56). (5/98)
  - c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
  - d. Miscellaneous Retail **(59)**; BUT EXCLUDING used merchandise stores (5932). (5/98)
  - e. Business Services **(73)**. (5/98)
  - f. Miscellaneous Repair Services **(76)**. (5/98)
2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply; (02/03)
  - a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection 1(a) through (d). (7/04 Ord 2004-510)
  - b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as IBP zoned property within the Keizer Station, including any internal public streets. In no case shall each contiguously zoned IBP



district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in sub-sections 1.a through d. (7/04 Ord 2004-510)

- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district. (5/98)
- d. Any outdoor storage area shall:
  - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
  - ii. Be enclosed with a sight-obscuring fence or wall;
  - iii. Have at least one side continuous with the building that it serves;
  - iv. Have no opening within fifty feet and visible from any property boundary; and
  - v. Meet the other applicable requirements of this ordinance. (5/98)
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary. (5/98)
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. (5/98)
- g. All buildings shall be capable of development as flexible industrial space. (5/98)

3. For land that is outside of the Keizer Station where no master plan is established and where Flexible Space uses are to be developed the following development limits apply;

~~a. No more than 30% of the total square footage of the gross leasable floor area can be developed as Flexible Space uses.~~

a b. Properties to be developed with Flexible Space uses shall have frontage along an arterial or collector street.

b e. Any outdoor storage area shall:

- i. Be enclosed with a sight-obscuring fence or wall;
- ii. Have at least one side conterminous with the building that it serves;
- iii. Have no opening for loading that is within fifty feet of a property boundary unless it is screened in accordance with provisions as specified in Section 2.113.05; and
- iv. Meet the other applicable requirements of this ordinance.

c d. Buildings fronting a street shall have ~~glass frontage~~ not less than thirty-five percent of the area of the street front wall with windows, displays or doorway openings.

O. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

**2.113.03 Prohibited Uses.**

Within any IBP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under this chapter. (5/98)

**2.113.04 Industrial Performance Standards.**

In an IBP district no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law. (5/98)

**2.113.05 Development Standards**

- A. **Design Standards** – Unless specifically modified by provisions in this Section, buildings located within the IBP zone shall comply with the Development Standards in Section 2.315. (5/98)
- B. **Location Standards.** (5/98)
  1. Each IBP district shall have direct access onto an arterial or collector street. (5/98)
  2. Access to a local street abutting the district shall not be permitted from any lot within the IBP district; except that, access may be

permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less. (5/98)

3. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access. (5/98)
  4. The Zoning Administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the Development Code, except that for local streets to which access is not allowed under 2. above, the Zoning Administrator may only require right-of-way dedication, and not improvements. (5/98)
- C. **Height.** Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet. (5/98)
- D. **Lot Area and Dimensions.** There are no minimum lot area requirements in an IBP district. (5/98)
- E. **Yards Adjacent to Streets.** Within an IBP district:
1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth. (5/98)
  2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings. (5/98)
  3. No parking will be allowed in required yards. (5/98)
  4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street. (5/98)
- F. **Yards Adjacent to Other Districts.** (5/98)
1. Where an IBP district within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there

shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)

2. Where an IBP district not within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district. (5/98)
3. Where an IBP district within the Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district. (5/98)
5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district. (5/98)
6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street. (5/98)

**G. Side and Rear Yards.** Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:

1. As may be required for a yard adjacent to another district as defined above. (5/98)
2. Where a side or rear yard is not required but is provided it shall:
  - a. Be at least ten feet in depth;
  - b. Not include buildings, structure, parking or driveways; and
  - c. Be landscaped. (5/98)
3. Driveways and accessways shall set back at least ten feet from property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (07/06)

H. **Lot Coverage.** Each lot within an IBP district shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)

I. **Open Storage**

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)

J. **Landscaping**

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
2. Required yards shall include the following plant materials: (5/98)

**Number of Plant Units or Square Feet of Living Ground Cover  
Per 1000 Square Feet of Landscaped yard**

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1
Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth. (5/98)

4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right of way adjacent to a use. Trees within the planting strip shall be in conformance with City standards for street trees. (5/98)

K. **Off-Street Parking and Loading.** Within an IBP district all uses shall meet the requirements of the Parking Chapter of the Keizer Development Code as well as the additional requirements of this section:

1. Parking

- a. All parking shall be set back at least ten feet from all interior property lines. (5/98)
- b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s). (5/98)
- c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements. (5/98)
- d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements. (5/98)

2. Loading

- a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height. (5/98)
- b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings. (5/98)

L. **Lighting.** Exterior lights fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground and five feet outside the boundary of the IBP district, shall within 50 feet of the base of the light standard be either:

1. Completely shielded from direct view, or. (5/98)
2. Not greater than five foot candles. (5/98)

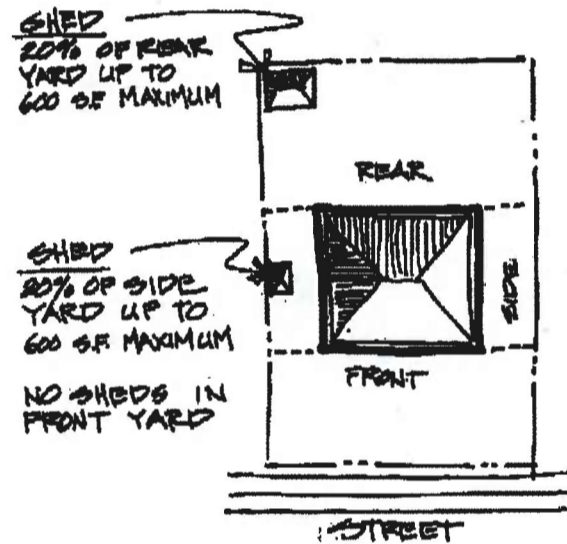
## 2.313 ACCESSORY STRUCTURES AND USES

### 2.313.01 Single Family and Duplex

For single family residential and duplex uses on an individual lot: (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. (5/98)
- 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. 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 ~~A~~ accessory structure shall be separated from the primary buildings by a minimum of 6 feet. ~~A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements.~~ An ~~A~~ accessory structures that is less than 6 feet from the primary structure, or is ~~is~~ connected to the primary structure by a fully enclosed walkway, will be ~~considered as part of the primary structure and~~ subject to the setback requirements of the primary structure. However, the requirements governing height, size, lot coverage and exterior finish will still apply. (5/98)

Accessory Structure Standards

- E. Building Size and Lot Coverage. The accessory structure shall be limited to a maximum ground floor area of 600 square feet. Additionally, in no case shall the accessory structure 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. (5/98)
- F. Exterior Finish. Accessory structures greater than 240 square feet in area shall have an exterior finish that is residential in character. Metal siding shall

*Adopted by*

Draft to Council  
January 26, 2007

red is new language

strike-out is to be deleted  
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be prohibited on accessory structures exceeding 240 square feet in area.  
(5/98)

### **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 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)



## **3.204 PUBLIC NOTICE REQUIREMENTS**

### **3.204.01 Type I-A, Type I-B and Type I-D Actions**

- A. Type I-A. Written notice of any Type I-A decision shall be mailed or delivered to the applicant. The notice shall be sufficient to indicate approval or denial of the request. (5/98)
- B. Type I-B and I-D. Written notice of any Type I-B and I-D decision shall be mailed to the applicant, all property owners within 250 feet of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. Written notice for a Type I-B and I-D shall be a summary of the application and the decision, plus a notice that the recipient may request a copy of the full decision, which shall include the following: (07/07/03)
  - 1. Summary of the request. (5/98)
  - 2. Relevant decision criteria. (5/98)
  - 3. Findings of fact indicating how the request does or does not comply with the decision criteria. (5/98)
  - 4. Conclusionary statement indicating approval or denial of the request. (5/98)
    - 1. Information regarding the appeal process including whom may appeal, where appeal must be submitted, fees and the appeal deadline. (5/98)
- A. Type I-C. Written notice of any Type I-C decision shall be mailed or delivered to the applicant. The notice shall be sufficient to indicate approval or denial of the request. Upon appeal of a Type I-C action, notice shall be sent to the applicant, all property owners within 250 feet of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. (2/01)

### **3.204.02 Type II and Type III Actions**

- A. Written Notice. Written notice of any public hearing shall be mailed at least 10 days prior to the hearing date to the applicant, owners of property within 250 feet of the boundaries of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. (5/98)

B. Posting Notice.

1. For application-initiated proceedings, including appeal from or review of administrative decisions, it shall be the applicant's responsibility to provide a sign frame and to place the notice. The City shall provide the notice to be attached to the frame. The applicant must post the notice on the subject property at least 10 days prior to ~~the initial~~ any public hearing. At least five days prior to the hearing, the applicant shall file an affidavit with the Administrator that such posting has occurred. (2/01)
2. Notice of public hearing for legislative zone changes shall be given by posting in accordance with subsection 3.204.02B3. Each individual property need not be posted so long as there is such notice posted on each property or group of properties, which is not contiguous with other properties so posted. (2/01)
3. Notices shall be posted facing all streets adjoining the subject property so as to be visible from the street. If no street abuts the subject property, the notice shall be placed in such a manner as near as possible to the subject property that can be readily seen by the public. The posted notice shall include the following: (2/01)
  - a. The proposed action. (2/01)
  - b. Land use case number. (2/01)
  - c. The date, time and place of the public hearing. (2/01)
  - d. Name and phone number of the City representative to contact where additional information may be obtained. (2/01)

- C. Published Notice. Notice of the time, place and purpose of the Hearings Officer, Planning Commission, or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than ~~twenty ten~~ days prior to the date of the ~~initial~~ hearing before the Hearings Officer, Planning Commission, or City Council. (5/98)

**3.204.03 Type IV Actions**

Notice of the time, place and purpose of the Planning Commission or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than ~~twenty ten~~ days prior to the date of the hearing before the Planning Commission or City Council. (5/98)

### **3.204.04 Notice for Appeals**

An appeal to either the Hearings Officer, Planning Commission or City Council the city shall provide include written notice at least 10 days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision. (5/98)

### **3.204.05 Public Hearing Notice Requirements**

#### **Public notice shall:** (5/98)

- A. Explain the nature of the application and the proposed use or uses which could be authorized; (5/98)
- B. Cite the applicable criteria from the ordinance and the plan that apply to the application at issue; (5/98)
- C. Set forth the street address or other easily understood geographical reference to the subject property; (5/98)
- D. State the date, time and location of the hearing; (5/98)
- E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals; (5/98)
- F. Include the name and phone number of the City representative where additional information may be obtained; (5/98)
- G. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost; (5/98)
- H. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost; (5/98)
- I. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing. (5/98)