



Oregon

Theodore R. Kubongski, 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

6/17/2010

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 002-10

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: Wednesday, June 30, 2010

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

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

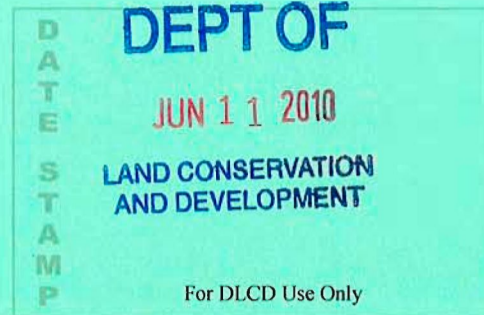
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification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

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

<paa> YA

FORM 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: TA2010-01
Date of Adoption: 6/7/2010 Date Mailed: 6/9/2010
Date original Notice of Proposed Amendment was mailed to DLCD: 3/1/2010

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Text amendment to Section 2.102 (Residential Single Family) of the Keizer Development Code to remove Water Supply as a Conditional Use and to list it as a Special Permitted Use; and, to create a new Section 2.430 (Water Supply) with standards relating to water supply.

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".
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 and Exception Adopted? YES NO

DLCD File No.: 002-10 (18149) [16167]

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. 588 A BILL ORDINANCE NO.
2 2010- 609
3 FOR
4
5 AN ORDINANCE

6
7 AMENDING KEIZER DEVELOPMENT CODE REGARDING
8 SECTION 2.102 (SINGLE FAMILY RESIDENTIAL), AND
9 SECTION 2.430 (PUBLIC WATER SUPPLY); AMENDING
10 ORDINANCE 98-389
11

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

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

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

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

21 NOW, THEREFORE,

22 The City of Keizer ordains as follows:

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

25

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 2.102 (Single Family Residential), and the addition of Section
4 2.430 (Public Water Supply) as set forth in Exhibit "B" attached hereto, and by this
5 reference incorporated herein.

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

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

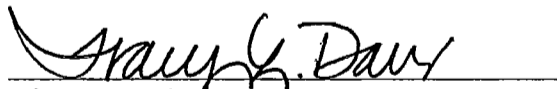
15 PASSED this 7th day of June, 2010.

16 SIGNED this 7th day of June, 2010.

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Mayor



City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.102, Single Family Residential; and Section 2.430 Public Water Supply)

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 Public Water Supply section of the Keizer Development Code contains the requirements used for the siting of new public water supply facilities. The proposal is to amend Section 2.102 (Single Family Residential) of the Keizer Development Code by removing "Water Supply" as a Conditional Use and to list it as a Special Permitted Use within this same section subject to meeting the standards within the newly created section 2.430 (Public Water Supply).
 - b. The particulars of this case are found within planning file Text Amendment 2010-01. Public hearings were held before the Planning Commission on April 14, 2010 and also before the City Council on May 3, 2010. The Planning Commission reviewed the proposed revisions and unanimously recommended that it be adopted. The City Council unanimously directed staff to prepare findings and an ordinance to adopt the proposed text amendment.
2. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.
3. Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -

Findings: The proposed revision to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. This section of the Development Code was last reviewed in 1998. The proposed amendment is intended in part to correct several identified errors within the existing regulations. The city obtains its water supply from underground sources and has 16 wells located throughout the city. In an effort to be able to meet future demand Public Works

envisions that it will be necessary to drill several additional wells in the future. Currently, this requires that the city submit an application for a conditional use permit prior to drilling and then connecting to the city's water supply system. The conditional use permit review criteria are not particularly helpful in this type of review and offer little guidance. There also is the risk if the application were denied or an appeal resulted in its denial that the ability of the city to provide water to some parts of the city could significantly be impacted. Not only could this affect personal water use but could also affect the ability of the fire district to adequately provide a high level of fire service. The amendment will eliminate the need to process a conditional use application but will require that the development of any property with either a public well or any public water delivery equipment must be done in accordance with the standards within this new section. The standards include setbacks, building height, screening, outdoor storage, and design requirements. This revision will establish clear development standards. Therefore, the proposed code revision complies with this review criterion.

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

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

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the KeizerTimes. Public hearings were held before the planning commission and the city council. Public hearings were held before the Planning Commission on April 14, 2010 and also before the City Council on May 3, 2010. Citizens were afforded the opportunity to participate in the public process. Finally, the city council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the planning commission and city council where an opportunity for both verbal and written testimony was provided. No public testimony was received. Therefore, the proposed revision to the zone code is consistent with this statewide planning goal and administrative rules.

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

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits to allow for commercial forestry. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to Section 2.102 and to Section 2.430 of the Keizer Development Code does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The city has no plans to locate new wells in a natural resource area. The proposed amendment to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendments to the public water supply code regulations will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in Willamette River or any local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. In the case of public water supply facilities they are an integral part of the city's water system. They are designed so that they do not produce any effluent, smoke, odors, or other forms of pollution that may degrade environmental attributes. The revision to the city's zone code regarding public water supply regulations will have no impact on the

quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. 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 city has no plans to locate any future public water supply facility in either a floodway or in a floodplain. Public water supply facilities will be required to obtain building permits which may require an engineering study which would include information relating to soils and ground depending on the unique aspect of a site but it will not be an automatic requirement of every permit application. The revision to the zone code will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city's future park and recreation needs. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. No park land is identified as being needed to serve future water supply needs. The proposed amendment to the public water supply regulations will have no impact on the recreational activities or uses within the city as the amendment only applies to the RS zone and not the Public zone where most parks are located. 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 city is currently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning

study of an economic opportunity analysis for the Salem – Keizer regional area. The intent of this study is to identify potential economic opportunities facing the region so as to better plan to take advantage of these economic opportunities. While the proposed amendment to the city’s public water supply regulations does reflect new requirements the intent is to streamline the process by adopting clear standards by which these public facilities can be developed and so will clarify the existing code requirements. In addition, the existence of public water supply facilities can be argued to have a positive impact on the local economy since it results in more efficient water delivery 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. Public water supply facilities by their design are intended to provide water supply to the city’s residents and will not have any residential component to them. The proposed amendment to Section 2.102 and to Section 2.430 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 also are provided by the city. Fire protection services will continue to be provided by the Keizer Fire District. Public water supply facilities are located to provide water delivery service where it is lacking or to enhance existing water delivery system. These are considered as part of the city’s public facilities system. Their impacts on the city street system, administrative and police service have been almost nonexistent. The proposed amendment to Section 2.102 and to Section 2.430 will positively impact the city’s public facilities and services, and so this goal and any rules are satisfied.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city’s transportation systems. This system includes streets, transit bike, and pedestrian systems. The revisions to the public water supply provisions within the Keizer Development Code will have no impact on the city’s street system. Public water supply facilities are constructed to operate automatically and do not require any manual operation by any staff. After construction it can be expected that only routine maintenance will be necessary. Since they are constructed to provide water to the city water supply system they will not have any patrons coming to the site. This means that their impacts on the city’s transportation systems are virtually nonexistent. The revision to Section 2.102 and to Section 2.430 will have no impact any of the city’s public transportation systems, and so this goal and any rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text

amendments will have not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revision on the public water supply regulations 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 revision to Section 2.102 and to Section 2.430 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. The amendment will eliminate the need to process a conditional use application but will require that the development of any property with either a public well or any public water delivery equipment must be done in accordance with the standards within this new section. The standards include setbacks, building height, screening, outdoor storage, and design requirements.

While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption,

determined that the text revision to Section 2.102 and to Section 2.430 is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.102 SINGLE FAMILY RESIDENTIAL (RS)

2.102.01 Purpose

The purpose of the RS (Single Family Residential) zone is to allow development of single family homes on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan. (5/98)

2.102.02 Permitted Uses

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

- A. **Detached single family dwelling on a lot.** (5/98)
- B. **Residential homes.** (5/98)
- C. **Child day care service, including family day care provider, for 12 or fewer children.** (5/98)
- D. **Public or private utility substation, but excluding communication towers and electrical substations.** (5/98)
- E. **Child foster home for five or fewer children.** (6/99)

2.102.03 Special Permitted Uses

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

- A. **Partitions, subject to the provisions in Section 2.310.** (5/98)
- B. **Subdivision, subject to the provisions in Section 2.310.** (5/98)
- C. **Planned unit development, subject to the provisions in Section 2.311.** (5/98)
- D. **Accessory structures and uses prescribed in Section 2.203.02.** (5/98)
- E. **Transit Facilities (Section 2.305).** (Ordinance No. is 2009-586, 5/09)
- F. **The following special uses subject to the applicable standards in Section 2.400.** (5/98)

DRAFT to City Council
4-10

1. **Duplex** on a corner lot (Section 2.403). (5/98)
2. **Shared housing Facilities** (Section 2.403). (5/98)
3. **Zero side yard dwelling** units (Section 2.404). (5/98)
4. **Home occupations** (Section 2.407). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substation** (Section 2.426) (5/98)
11. **Wireless Telecommunication Facilities (Section 2.427)** (5/98)
12. **Manufactured home parks** (Section 2.405). (5/98)
13. Public Water Supply (Section 2.430)

2.102.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit. Development of the site may also require compliance with development standards in Section 2.4. (5/98)

- A. **Elementary schools** (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreation facilities; and other public or semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Child daycare** services for 13 or more children. (5/98)
- E. ~~Water supply (494).~~ (5/98)
- F. **Bed and breakfast establishment** (Section 2.408). (5/98)

**DRAFT to City Council
4-10**

G. Use of a mobile home as a temporary hardship dwelling (Section 2.406)
(5/98)

H. Child foster home for six, seven or eight children, providing such home:

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

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

I. Transit Station (Section 2.429): (Ordinance No. is 2009-586, 5/09)

2.102.05 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the RS Zone except for modifications permitted under Section 2.202, General Exceptions or as required in Section 2.4. (5/98)

**DRAFT to City Council
4-10**

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential Uses	Non-Residential Uses
Lot Size	4000 square feet (1)	(2)
Average Width	40 feet	None
Average Depth	70 feet	None
Maximum Height	35 feet	(3)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (3) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Residential Uses	Non-Residential Uses
Front	10 feet	20 feet
Side	5 feet (1)	10 feet
Rear	(2)	20 feet
Street-side (3)	10 feet	20 feet
Garage Entrance (4)	20 feet	20 feet

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.102.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards -** Unless specifically modified by provisions in this Section, buildings located within the RS zone shall comply with the following standards: (5/98)
 - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. (5/98)
- I. **Density:** When RS zoned property is subdivided the minimum density shall be 4 units per acre; the maximum density shall be 8 units per acre except in the RS zoned area north of Barnick Road where the maximum density shall be 6 units per acre with no minimum. (5/98)
- J. **Number of Buildings.** No more than one primary building shall be located on a lot or parcel. (5/98)

2.430 PUBLIC WATER SUPPLY

Where permitted as a special use, Public Water Supply shall meet the following additional use and development standards. (5/98)

- A. Setbacks. All buildings shall be setback from any adjacent property line consistent with provision within Section 2.102. (5/98)
- B. Height. The maximum building height shall be 35 feet. (5/98)
- C. Screening. With the exception of the front yard the perimeter of the property shall be screened with a minimum six foot sight obscuring fence. With the exception of the front yard, a hedge row shall be planted on the side of the fence facing adjacent properties. Neither the fence nor hedge shall violate clear vision provisions in Section 2.312. Notwithstanding the provisions in Section 2.312.10.A (2) barbed wire is allowed as needed to comply with security requirements. Electrical wire shall be prohibited. (5/98)
- D. Outdoor Storage. The outdoor storage of vehicles, tools, parts and disassembled equipment shall be prohibited unless screened from view. (5/98)
- E. Design. Any building which is constructed to house public water supply equipment shall incorporate design elements which are typically found on residential houses, however need not to fully comply with the provisions in Section 2.314.
- F. Underground. Public water supply equipment which is located underground shall be exempt from these requirements.
- G. Landscaping. Yards fronting an improved street shall be landscaped in a manner to be compatible with the surrounding area.

CITY OF KEIZER
COMMUNITY DEVELOPMENT
P.O. BOX 21000
KEIZER, OR 97307-1000

D C D
635 CAPITOL ST. NE
Suite 150
Salem, OR 97301

ATT: Plan Amendment

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