



Oregon

Theodore R. Kubongoski, 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

9/20/2010

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 004-10

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: Friday, October 01, 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

<paa> N

2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
STAMP
DEPT OF
SEP 13 2010
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: Keizer Local file number: TA2010-07

Date of Adoption: 9/7/2010 Date Mailed: 9/10/2010

Date original Notice of Proposed Amendment was mailed to DLCD: 6/2/2010

- 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 2.315 (Development Standards) of the Keizer Development Code will amend this section of the code to include standards relating to trash and recycling enclosures and to Section 2.205 (Junk and Junkyards) to coordinate certain regulations such as derelict vehicles with those in the Solid Waste Ordinance.

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.: 004-10 (18338) [16320]

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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

1 BILL NO. 594

A BILL

ORDINANCE NO.

2010- 615

3 FOR

4
5 AN ORDINANCE

6
7 AMENDING KEIZER DEVELOPMENT CODE
8 REGARDING SECTION 2.205 (JUNK AND JUNKYARDS)
9 AND SECTION 2.315 (DEVELOPMENT STANDARDS);
10 AMENDING 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 deletion of
3 Section 2.205 (Junk and Junkyards) and adoption of the changes to Section 2.315
4 (Development Standards) 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 September, 2010.
16 SIGNED this 7th day of September, 2010.

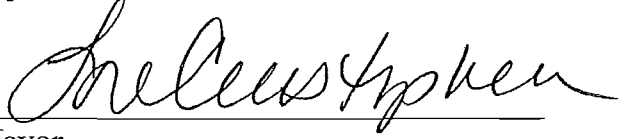

17
18 
19 _____
20 Mayor
21 
22 _____
23 City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.205 Junk and Junkyards; 2.315 Development Standards; and the Solid Waste Ordinance)

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

The City of Keizer finds that:

1. General Findings.
 - a. Section 2.205 (Junk and Junkyards); 2.315 (Development Standards) of the Keizer Development Code (KDC) contains the requirements governing solid waste in the city limits.
 - b. The particulars of this case are found within planning file Text Amendment 2010-07. Public hearings were held before the Planning Commission on July 7, 2010 and also before the City Council on August 16, 2010. The Planning Commission reviewed the proposed revisions and unanimously recommended that it be adopted. The City Council directed staff to prepare findings and an ordinance to adopt the proposed text amendment.
 - c. The accompanying revisions to the Abatement of Nuisances Created by the Accumulation of Solid Waste and / or Inoperable Vehicles (Solid Waste Ordinance) is not in the Keizer Development Code and is not subject to notice requirements by the Department of Land Conservation and Development. It was included as the revisions are directly related to the topic at hand.
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 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. This revision will establish clear development standards. The proposed amendments to the Keizer Development Code will amend Section 2.315 (Development Standards) to include standards relating to trash and recycling enclosures will require new developments provide trash enclosures that are adequate to accommodate the projected level of trash and recycling containers. Section 2.205 (Junk and Junkyards) is proposed to be deleted from the zone code and be incorporated into an expanded Solid Waste Abatement Ordinance. Section 2.205 does not really govern junkyards as much as it evolved into another option for code enforcement. This has created two sections of regulations with one set applying in certain situations and the other applying in other situations and yet each somewhat overlapping. Adding to the confusion, each code section also has its own enforcement process. By deleting Section 2.205 and expanding the Solid Waste Abatement Ordinance will result in there being a single code governing solid waste thereby making the regulations less cumbersome for code enforcement and the general public. A final benefit is that it will eliminate the term “junk” which becomes a confrontational term when used to explain to someone that their cherished old rusting car is referred to as junk. It will now be referred to as an inoperable vehicle. Therefore, the proposed code revision complies with this review criterion.

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

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

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the planning commission and the city council. Public hearings were held before the Planning Commission on July 7, 2010 and also before the City Council on August 16, 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 at either the planning commission or the city council's public hearing. Therefore, the proposed revision to the zone code is consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there 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 and will not impact any lands that are used for agricultural production. 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 2.205 and 2.315 KDC, and the Solid Waste Ordinance does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The proposed amendment to the zone code regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the amendments to the solid waste 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. A positive aspect of the revision is that it

seeks to eliminate the storage of solid waste thereby eliminating the waste from entering local streams where it might adversely impact water quality. The revision to the city's zone code regarding solid waste 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. All property would be required to comply with city floodplain regulation and any other natural hazard regulations enforced by the city. The revision to the zone code regarding solid waste regulations 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. The proposed amendments to the solid waste regulations will not have a direct impact on the recreational activities or uses within the city and will not impact this goal and any related rules.

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. The proposed amendments to the city's solid waste regulations will not reflect new regulations which might otherwise be an impediment to economic development. From experience the vast majority of code enforcement issues relate to solid waste complaints are aimed at residential and not either commercial or industrial users. 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. Section 2.315 KDC is proposed to be amended to require that all new multi-family developments provide trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers. The intent of this revision to avoid new developments from having inadequate accommodations for the amount of trash that will be generated by the residents of the proposed development. The proposed amendment to Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance 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 or Marion County Fire District #1 depending on where land is located. The proposed amendment to Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance will have no 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 proposed revisions to the solid waste provisions within the Keizer Development Code will by themselves have no impact on 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 solid waste 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 to the solid waste requirements in Section 2.205 and Section 2.315 KDC and the Solid Waste Ordinance 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 2.205 and Section 2.315 KDC and the Solid Waste Ordinance 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 proposed amendments to the Keizer Development Code will amend Section 2.315 (Development Standards) to include standards relating to trash and recycling enclosures will require new developments provide trash enclosures that are adequate to accommodate the projected level of trash and recycling containers.

Section 2.205 (Junk and Junkyards) is proposed to be deleted from the zone code and be incorporated into an expanded Solid Waste Abatement Ordinance. Section 2.205 KDC does not really govern junkyards as much as it evolved into another option for code enforcement. This has created two sections of regulations with one set applying in certain situations and the other applying in other situations and yet each somewhat overlapping. Adding to the confusion, each code section also has its own enforcement process. By deleting Section 2.205 KDC and expanding the Solid Waste Abatement Ordinance will result in there being a single code governing solid waste thereby making the regulations less cumbersome for code enforcement and the general public. A final benefit is that it will eliminate the term “junk” which becomes a confrontational term

when used to explain to someone that their cherished old rusting car is referred to as junk. It will now be referred to as an inoperable vehicle.

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 2.205 and Section 2.315 KDC and the Solid Waste Ordinance is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

~~2.205 JUNK AND JUNKYARDS~~2.205.01 Purpose

The City Council of Keizer, Oregon finds and declares that the accumulation and storage of junk tends to create a condition reducing private property values, promotes blight and deterioration, creates fire hazards, creates a hazard to the health, safety and general welfare of the public, creates harborage for rodents and insects, and reduces the aesthetic value of the City as a whole. Therefore, the presence of junk on private or public property, except as expressly permitted by the provisions herein, is hereby declared a public nuisance and may be abated under the Keizer Nuisance Abatement Procedures Ordinance (City of Keizer Ordinance No. 94-282), or restrained or enjoined by a court of competent jurisdiction. In addition, violations of this code are considered infractions and subject to the civil infraction provisions of the City of Keizer. (5/98)

2.205.02 Definitions

- A. **Junk.** The term "junk" regardless of value, includes but is not limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply: (5/98)
1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
 2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)
 3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
 4. "Waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. (5/98)
 5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. (5/98)
- B. **Junkyard.** The term "junkyard" is defined as the use of more than 200 square feet of the area of any lot for the outside storage of derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. (5/98)

2.205.03 Keeping of Junk or Junkyards; Nuisance

- A. ~~It is hereby determined and declared that the keeping of any junk, or the operation of a junkyard, except as expressly permitted in this ordinance, out of doors on any street, lot, or premises within the City of Keizer, or in a building that is not wholly or entirely enclosed except for doors for ingress and egress, is a nuisance and is unlawful. (5/98)~~
- B. ~~The abatement of junk nuisances and junkyards from public or private property, except for those items specified within the City of Keizer Solid Waste Ordinance (City of Keizer Ordinance No. 94-281) shall be in accordance with the provisions contained in the Keizer Uniform Nuisance Abatement Ordinance (City of Keizer Ordinance No. 94-282). (5/98)~~

2.205.04 Keeping of Junk, or operation of Junkyard

~~It shall be unlawful for any person, or the agent or employee of any person to keep junk, or knowingly create a junkyard out of doors on any street, private, or public property, or for more than 10 days on any lot or premises within the City, or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress. (5/98)~~

2.205.05 Exceptions

These provisions shall not apply to:

1. ~~Any wrecked, neglected, or derelict vehicle or parts thereof kept in a motor vehicle wrecking or storage yard on a property zoned for that use, and licensed by the State and City. (5/98)~~
2. ~~Any wrecked motor vehicle stored outside an enclosure at a business offering motor vehicle repair on a parcel zoned for that use, and as defined in the Standard Industrial Classification as Industry Group No. 753, provided that no more than eight vehicles are outside of an approved enclosure in the industrial zones, and no more than four vehicles are outside an approved enclosure in the commercial zones. The enclosed area shall comply with the sight obscuring requirements contained in this ordinance. (5/98)~~
3. ~~Open storage of material directly associated with the primary activity of a business provided the business is permitted, special, or conditional use within any of the zones, and the materials are enclosed by a sight obscuring fence, and the materials are safely stacked, bundled, or otherwise source separated, and remain within the stream of commerce with an established future use. (5/98)~~
4. ~~Recyclable solid waste that has been source separated and collected and kept at a scrap and waste metal or recycling establishment as defined by the Standard Industrial Classification Manual and Industrial Group 5093, and is~~

~~operating in compliance with all applicable provisions of this ordinance and state laws, and where the materials or solid waste is enclosed by a sight obscuring fence in compliance with the provisions of this ordinance or in approved containers approved by the City. (5/98)~~

- ~~5. Any waste tire(s) kept for storage, collection, transportation, or disposal by a person licensed for that purpose by the State of Oregon. (5/98)~~

2.205.06 Violations

~~Violations of the provisions of this chapter are an infraction and a public nuisance and are subject to the civil infraction provisions and the Keizer Uniform Nuisance Abatement Procedures Ordinance (City of Keizer Ordinance No. 94-282). (5/98)~~

2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (01/04)

2.315.02 Applicability

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant development standards found in Section 2.315.08.B(4) and (5) of this code. (01/04)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (01/04)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (01/04)

2.315.03 Exemptions

The following are exempt from the Standards: (01/04)

- A. Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (01/04)

- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period, (01/04)
- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (01/04)
- D. Agricultural uses (01/04)
- E. Any residential building housing three or fewer dwelling units. (01/04)
- F. Accessory structures of less than 500 square feet. (5/98)
- G. Any interior remodeling (01/04)
- H. A temporary business (01/04)

2.315.04 Administration of the Development Standards

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (01/04)

- A. The Standards embodied in this ordinance are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (01/04)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards as contained in Section 2.315.02. (01/04)
- C. The Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (01/04)
- D. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall comply with the same procedures as a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (01/04)

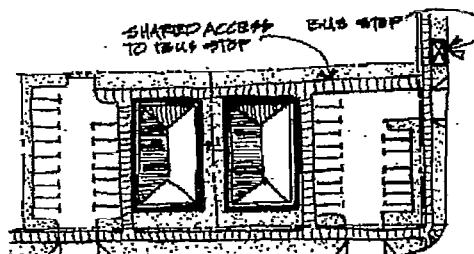
2.315.05 Non-Conforming Buildings

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (01/04)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

- A. Pedestrian Circulation. As used herein "walkway" means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (01/04)
1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and existing and planned (as adopted in the City Transportation System Plan) transit facilities within 600 feet of the site. (07/09)
 2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements. (01/04)
 3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage. (01/04)
 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (01/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (01/04)
 6. Walkway Coverage.



Pedestrian Access Standards

- a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (01/04)
 - b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (01/04)
7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet. (01/04)
 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (01/04)
 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (01/04)
 10. The building permit application or Development Standards Alternative application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process. (01/04)

B. Building Design

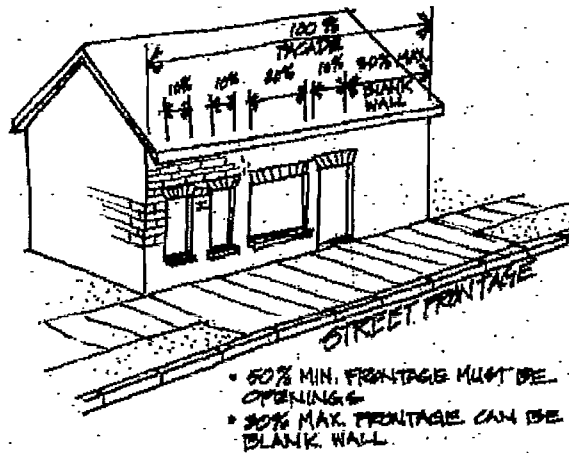
1. Ground floor windows
 - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the

ground floor wall area with windows, display areas or doorway openings. (5/98)

- b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation shall be determined as part of the required Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (01/04)

2. Building facades

- a. In the CM, CR, and MU zones, facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall



Facade Standards

area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (01/04)
4. Materials and Texture
 - a. Building Materials. (01/04)
 - 1) All buildings shall have wood, brick, stone, or stuccó siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding. (01/04)
 - 2) Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal. (01/04)
 - 3) Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (01/04)
 - b. Trim Material. (01/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (01/04)
 - c. Roofing Material. (01/04)

Any roofing material is allowed including metal roofs. (5/98)
 - d. Foundation Material. (01/04)

Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)
5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (01/04)
 1. The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%. (01/04)
 2. Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no greater than a 20% difference between any of the three values. (01/04)
 3. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (01/04)
 4. The finish shall be either matt or satin. (01/04)
 - b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (01/04)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (01/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
 7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (01/04)

C. Accessory Structures

1. Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence: **OR**, with the exception of trash receptacles, accessory

structures including buildings, sheds, mechanical devices, and other structures outside the main building must be screened by painting them the same color as the main color of the building. (01/04)

2. Trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers.

D. Alternative Design Solutions. (01/04)

Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

E. Transit Facility Requirement

New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement. (07/09)

F. Transit Access

New retail, office and institutional buildings within 600 feet of a transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1 and 2 below. (07/09)

1. Walkways shall be provided connecting building entrances and streets adjoining the site; (07/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property; (07/09)
3. In addition to Subsections 1 and 2 above, sites at transit facilities must provide the following: (07/09)

- a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection; (07/09)
- b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site; (07/09)
- c. A transit passenger landing pad accessible to disabled persons; (07/09)
- d. An easement or dedication for a passenger shelter if requested by the transit provider; and (07/09)
- e. Lighting at the transit facility. (07/09)

2.315.09 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall include as part of that review, a determination of the proposal's conformance with the provisions of this chapter. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards or a design alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this chapter. (01/04)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)

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635 CAPITAL ST NE
Suite 150
Salem OR 97301

ATT: Plan Amend. Spec