



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/19/2011

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 002-11

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: Tuesday, October 04, 2011

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.

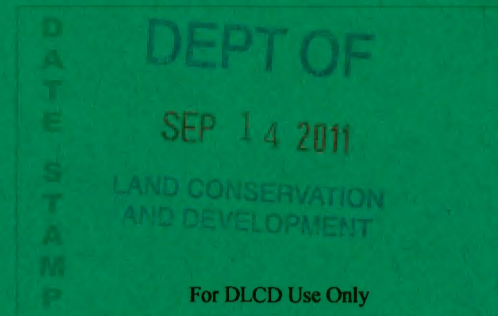
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification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

Cc: Sam Litke, City of Keizer
Angela Lazarean, DLCD Urban Planning Specialist

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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: TA2011-06

Date of Adoption: 8/15/2011 Date Mailed: 9/13/2011

Date original Notice of Proposed Amendment was mailed to DLCD: 5/5/2011

- 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 2.203.02 .D (Permitted Uses Generally) of the Keizer Development Code to include standards relating to the keeping chickens on residential lands.

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.: 002-11 (18781) [16758]

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. 619 A BILL ORDINANCE NO.
2 2011-640

3 FOR
4
5 AN ORDINANCE

6
7 AMENDING KEIZER DEVELOPMENT CODE REGARDING
8 SECTION 2.203 (PERMITTED USES GENERALLY);
9 AMENDING ORDINANCE 98-389

10
11 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
12 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

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

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

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

20 NOW, THEREFORE,

21 The City of Keizer ordains as follows:

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

24 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
25 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption

1 of the changes to Section 2.203 (Permitted Uses Generally) as set forth in Exhibit "B"
2 attached hereto, and by this reference incorporated herein.

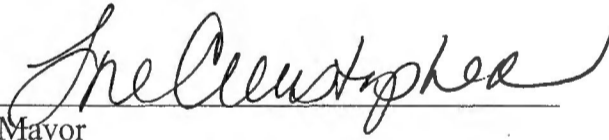
3 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
4 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
5 is denied acknowledgment by any court or board of competent jurisdiction, including,
6 but not limited to the Land Use Board of Appeals,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

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

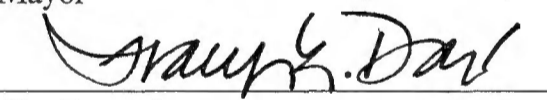
12 PASSED this 15th day of August, 2011

13 SIGNED this 15th day of August, 2011

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Mayor



City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.203 (Permitted Uses Generally)).

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

The City of Keizer finds that:

1. General Findings.
 - a. The particulars of this case are found within planning file Text Amendment 2011-06. Public hearings were held before the Planning Commission on May 11, 2011 and also before the City Council on June 20, 2011. The Planning Commission reviewed the proposed revisions and in a 7-0 vote recommended that it be adopted. The City Council in a 3-2 vote 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. The proposed amendments will establish clear development standards for the keeping of chickens on residential single family lots within the city limits. 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 May 11, 2011 and also before the City Council on June 20, 2011. 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. 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 are only two zones (EFU and SA) which are designated to allow commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer. Since the text amendment will only involve lands that are designated Single Family Residential it will not affect either the EFU or the SA zoned lands. Therefore, the proposed amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no 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 KDC Section 2.203 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 amendments 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 amendment 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. The revision to the city's zone code regulations to allow home owners to keep 3 chickens for personal and not commercial use will have no impact on the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. The revision to the 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. The proposed amendment to the city's regulations to allow the keeping of chickens will not have any impact on the recreational activities or uses within the city. Therefore, the amendments will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city 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. Therefore, the proposal is consistent with this goal and with all administrative rules.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The intent of the proposed text amendment is to allow the option for the keeping of 3 chickens on residential single family lots. The city is currently engaged in a housing needs analysis that will identify the projected 20 year housing needs for the city. The proposed amendment to KDC Section 2.203 will not impact either this goal or any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, 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 which district the land proposed to be annexed is located. The allowance for the keeping of chickens will not impact any of the city's public facilities and services. The proposed amendment to KDC Section 2.203 will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The option to allow home owners to keep chickens on their property will not affect either this goal or any rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed 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 text amendment to KDC Section 2.203 will allow the option for residential homeowners to be able to keep chickens on their property for personal and not commercial use. The proposed zone code revision will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revision to the city’s requirements in KDC Section 2.203 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 KDC Section 2.203 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 amendments are intended in part to correct several identified errors within the existing regulations. The proposed revisions will allow the keeping of 3 chickens as an agricultural use subject to the requirements within Section 2.203 (Permitted Uses Generally) section of the Keizer Development Code. This will limit the chickens to only hens - no roosters, and only 3 hens may be kept on a property with a single family or duplex residence on it. The chickens shall be for personal and non-commercial use, and a coop will be required and shall be located in a side or rear yard a minimum of 10 feet from any adjacent property line. The Council required a no-fee permit.

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 KDC Section 2.203 is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.203 PERMITTED USES GENERALLY

2.203.01 Permitted Uses

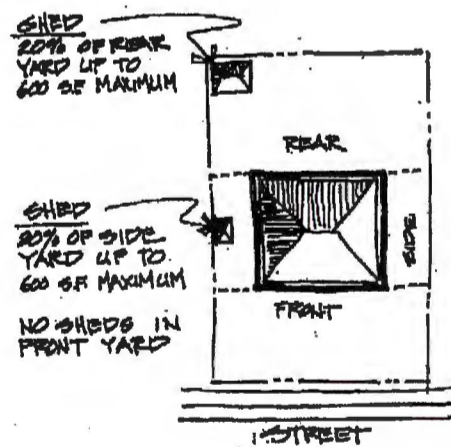
The following uses and activities are permitted in all zones:

- A. Utility Facilities. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewater, sewage and rainwater. (5/98)
- B. Railroad Tracks. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies. (5/98)
- C. Street Improvements. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency. (5/98)
- D. Public Right-of-way Expansion. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan. (5/98)
- E. Signs. Signs as permitted in Section 2.300. (5/98)

2.203.02 Permitted Residential Accessory Structures and Uses

The following accessory uses shall be permitted subject to the following limitations and requirements:

- A. Accessory Structures and Uses. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling or manufactured home:
 - 1. Decks and patios (open, covered or enclosed). (5/98)
 - 2. Storage building for fire wood, yard maintenance equipment or tools, or, personal property not



Accessory Structure Locations

DRAFT 5-11 to City Council

used in conjunction with any commercial or industrial business other than a home occupation. (5/98)

3. Green house or hobby shop. (5/98)
 4. Swimming pools, hot tubs, and saunas along with associated structures. (5/98)
 5. Pets, including outdoors shelters or runs. (5/98)
 6. Fall-out shelters. (5/98)
 7. Garages and carports. (5/98)
 8. Rooms for 1 or 2 boarders residing in the dwelling. (5/98)
- B. Fences. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Section 2.312.10. (5/98)
- C. Residential Office. One manager's office of 400 square feet or less for rental of dwellings is a permitted accessory use in the RL, RM, RH and CM zones provided the office is located within a building containing dwelling units. (5/98)
- D. Agricultural Uses. Gardens, orchards and crop cultivation primarily for personal use is a permitted use accessory to a dwelling in residential zones, except that the keeping of livestock, poultry (~~except chickens~~) or the sale of such, as well as the selling of produce ~~livestock, poultry and produce on site~~ are prohibited. (5/98) Chickens are only permitted consistent with the following standards:
1. Chickens shall only be kept upon property occupied by a detached single family dwelling or duplex.
 2. No more than 3 hens may be kept on any one property.
 3. The keeping of roosters is prohibited.
 4. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
 5. Chickens and chicken coops shall only be located in a side or rear yard.
 6. Chicken coops shall comply with Accessory Structure requirements in Section 2.313 B, C, D, and F.

7. Chicken coops shall be kept clean, dry, free of noticeable odors, and in good repair.
8. A chicken coop is required.
9. Chicken coop shall be setback a minimum 10 feet from adjacent property lines.
10. Applicant shall obtain a permit from the city prior to the keeping of chickens.

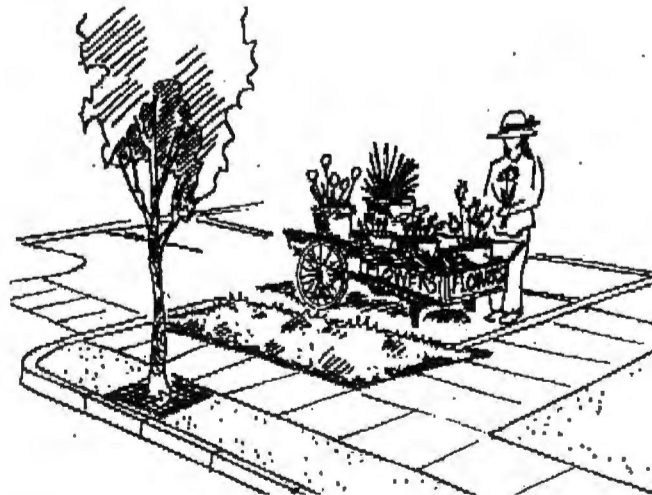
2.203.03 Permitted Non-residential Accessory Structures and Uses

- A. Rental Office. A manager's office for rental of space in an industrial zone. (5/98)
- B. Mobile Classrooms. Mobile classrooms are a permitted accessory use in conjunction with elementary and secondary schools. (5/98)

2.203.04 Permitted Temporary Uses

The following temporary uses shall be permitted subject to the following limitations and requirements:

- A. Permitted Activities. Outdoor tree or fireworks sales are permitted in all zones except residential. Amusement and recreational service (SIC 799); and retail sales and services from a vehicle or temporary structure are permitted in all permitting zones, except residential, as a secondary use. However, houses of worship on arterial or collector streets may conduct any temporary use as described in this section. (2/01)
 1. The uses are otherwise permitted to be outdoors in the zone. (5/98)
 2. The activity is located on the same lot for no more than 90 days in any calendar year. (5/98)
 3. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements. (5/98)
 4. The use does not block driveways, driveway



DRAFT 5-11 to City Council

entrances or parking aisles. (5/98)

5. The activity conforms to all signage requirements in Section 2.308. (5/98)
 6. The activity conforms to all setback requirements applicable to the lot and zone. (5/98) Figure 3.210.04 Pre-Application Co - Temporary Business
 7. The operator of a temporary use shall provided the required information, pay the applicable fee, obtain and display the required temporary business permit. (5/98)
 8. The operator of a temporary use shall obtain all permits required by other agencies including those required for food handling and sales, and the sale of fireworks. (5/98)
- B. Temporary Construction Facilities. Mobile offices, temporary power equipment and temporary structures to house personnel and store equipment during construction, provided the structures are not used as dwellings. (5/98)
- C. Produce Stands. Temporary roadside stands in conjunction with a farm use provided:
1. Sales are limited to produce grown in the vicinity with at least 51% of the produce is grown on the premises. (5/98)
 2. One off-street parking space is provided for each 100 square feet of floor area. (5/98)
 3. The roadside stand is operated for no more than 6 months in any calendar year and only between official sunrise and sunset. (5/98)
- D. Yard Sales and Auctions. Yard sales in any residential zone, and auctions in Commercial and Industrial zones, provided there are not more than 3 sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. (5/98)
- E. Additional Permitted Temporary Uses. The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the Council finds necessary to protect the health, safety and welfare of the public. (5/04 - Ord 2004-498)

1 BILL NO. 619 A BILL ORDINANCE NO.
2 2011-640
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5 AN ORDINANCE
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7 AMENDING KEIZER DEVELOPMENT CODE REGARDING
8 SECTION 2.203 (PERMITTED USES GENERALLY);
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11 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
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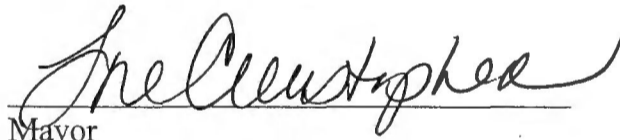
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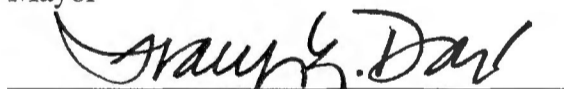
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2. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed 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. The proposed amendments will establish clear development standards for the keeping of chickens on residential single family lots within the city limits. 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 May 11, 2011 and also before the City Council on June 20, 2011. 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. 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 are only two zones (EFU and SA) which are designated to allow commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer. Since the text amendment will only involve lands that are designated Single Family Residential it will not affect either the EFU or the SA zoned lands. Therefore, the proposed amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no 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 KDC Section 2.203 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 amendments 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 amendment 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. The revision to the city's zone code regulations to allow home owners to keep 3 chickens for personal and not commercial use will have no impact on the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. The revision to the 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. The proposed amendment to the city's regulations to allow the keeping of chickens will not have any impact on the recreational activities or uses within the city. Therefore, the amendments will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city 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. Therefore, the proposal is consistent with this goal and with all administrative rules.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The intent of the proposed text amendment is to allow the option for the keeping of 3 chickens on residential single family lots. The city is currently engaged in a housing needs analysis that will identify the projected 20 year housing needs for the city. The proposed amendment to KDC Section 2.203 will not impact either this goal or any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, 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 which district the land proposed to be annexed is located. The allowance for the keeping of chickens will not impact any of the city's public facilities and services. The proposed amendment to KDC Section 2.203 will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The option to allow home owners to keep chickens on their property will not affect either this goal or any rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed 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 text amendment to KDC Section 2.203 will allow the option for residential homeowners to be able to keep chickens on their property for personal and not commercial use. The proposed zone code revision will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revision to the city's requirements in KDC Section 2.203 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 KDC Section 2.203 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 amendments are intended in part to correct several identified errors within the existing regulations. The proposed revisions will allow the keeping of 3 chickens as an agricultural use subject to the requirements within Section 2.203 (Permitted Uses Generally) section of the Keizer Development Code. This will limit the chickens to only hens - no roosters, and only 3 hens may be kept on a property with a single family or duplex residence on it. The chickens shall be for personal and non-commercial use, and a coop will be required and shall be located in a side or rear yard a minimum of 10 feet from any adjacent property line. The Council required a no-fee permit.

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 KDC Section 2.203 is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.203 PERMITTED USES GENERALLY

2.203.01 Permitted Uses

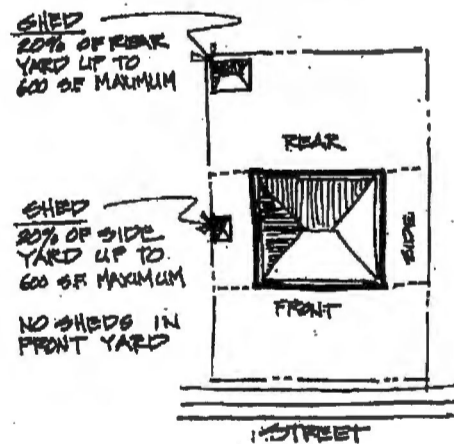
The following uses and activities are permitted in all zones:

- A. Utility Facilities. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewater, sewage and rainwater. (5/98)
- B. Railroad Tracks. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies. (5/98)
- C. Street Improvements. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency. (5/98)
- D. Public Right-of-way Expansion. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan. (5/98)
- E. Signs. Signs as permitted in Section 2.300. (5/98)

2.203.02 Permitted Residential Accessory Structures and Uses

The following accessory uses shall be permitted subject to the following limitations and requirements:

- A. Accessory Structures and Uses. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling or manufactured home:
 - 1. Decks and patios (open, covered or enclosed). (5/98)
 - 2. Storage building for fire wood, yard maintenance equipment or tools, or, personal property not



Accessory Structure Locations

DRAFT 5-11 to City Council

used in conjunction with any commercial or industrial business other than a home occupation. (5/98)

3. Green house or hobby shop. (5/98)
 4. Swimming pools, hot tubs, and saunas along with associated structures. (5/98)
 5. Pets, including outdoors shelters or runs. (5/98)
 6. Fall-out shelters. (5/98)
 7. Garages and carports. (5/98)
 8. Rooms for 1 or 2 boarders residing in the dwelling. (5/98)
- B. Fences. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Section 2.312.10. (5/98)
- C. Residential Office. One manager's office of 400 square feet or less for rental of dwellings is a permitted accessory use in the RL, RM, RH and CM zones provided the office is located within a building containing dwelling units. (5/98)
- D. Agricultural Uses. Gardens, orchards and crop cultivation primarily for personal use is a permitted use accessory to a dwelling in residential zones, except that the keeping of livestock, poultry (except chickens) or the sale of such, as well as the selling of produce ~~livestock, poultry and produce on site~~ are prohibited. (5/98) Chickens are only permitted consistent with the following standards:
1. Chickens shall only be kept upon property occupied by a detached single family dwelling or duplex.
 2. No more than 3 hens may be kept on any one property.
 3. The keeping of roosters is prohibited.
 4. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
 5. Chickens and chicken coops shall only be located in a side or rear yard.
 6. Chicken coops shall comply with Accessory Structure requirements in Section 2.313 B, C, D, and F.

7. Chicken coops shall be kept clean, dry, free of noticeable odors, and in good repair.
8. A chicken coop is required.
9. Chicken coop shall be setback a minimum 10 feet from adjacent property lines.
10. Applicant shall obtain a permit from the city prior to the keeping of chickens.

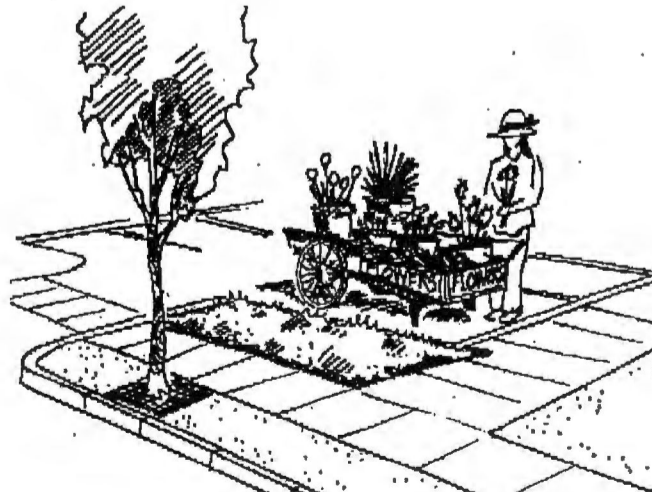
2.203.03 Permitted Non-residential Accessory Structures and Uses

- A. Rental Office. A manager's office for rental of space in an industrial zone. (5/98)
- B. Mobile Classrooms. Mobile classrooms are a permitted accessory use in conjunction with elementary and secondary schools. (5/98)

2.203.04 Permitted Temporary Uses

The following temporary uses shall be permitted subject to the following limitations and requirements:

- A. Permitted Activities. Outdoor tree or fireworks sales are permitted in all zones except residential. Amusement and recreational service (SIC 799); and retail sales and services from a vehicle or temporary structure are permitted in all permitting zones, except residential, as a secondary use. However, houses of worship on arterial or collector streets may conduct any temporary use as described in this section. (2/01)
 1. The uses are otherwise permitted to be outdoors in the zone. (5/98)
 2. The activity is located on the same lot for no more than 90 days in any calendar year. (5/98)
 3. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements. (5/98)
 4. The use does not block driveways, driveway



entrances or parking aisles. (5/98)

5. The activity conforms to all signage requirements in Section 2.308. (5/98)
 6. The activity conforms to all setback requirements applicable to the lot and zone. (5/98) Figure 3.210.04 Pre-Application Co - Temporary Business
 7. The operator of a temporary use shall provided the required information, pay the applicable fee, obtain and display the required temporary business permit. (5/98)
 8. The operator of a temporary use shall obtain all permits required by other agencies including those required for food handling and sales, and the sale of fireworks. (5/98)
- B. Temporary Construction Facilities. Mobile offices, temporary power equipment and temporary structures to house personnel and store equipment during construction, provided the structures are not used as dwellings. (5/98)
- C. Produce Stands. Temporary roadside stands in conjunction with a farm use provided:
1. Sales are limited to produce grown in the vicinity with at least 51% of the produce is grown on the premises. (5/98)
 2. One off-street parking space is provided for each 100 square feet of floor area. (5/98)
 3. The roadside stand is operated for no more than 6 months in any calendar year and only between official sunrise and sunset. (5/98)
- D. Yard Sales and Auctions. Yard sales in any residential zone, and auctions in Commercial and Industrial zones, provided there are not more than 3 sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. (5/98)
- E. Additional Permitted Temporary Uses. The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the Council finds necessary to protect the health, safety and welfare of the public. (5/04 - Ord 2004-498)



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