



Oregon

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

Date: June 15, 2015

Jurisdiction: City of Keizer

Local file no.: 2015-05

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/04/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 51 days prior to the first evidentiary hearing.

Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

DLCD Contact

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



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

FOR DLCD USE

File No.: 002-15 {23703}

Received: 6/4/2015

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

Jurisdiction: Keizer

Local file no.: **2015-05**

Date of adoption: 6-01-15

Date sent: 6/4/2015

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3-23-15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Only includes Section 2.403 (Shared Housing Facilities) and Section 3.101 (Summary of Application Types).

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

Phone: 503-856-3442

E-mail: litkes@keizer.org

Street address: 930 Chemawa Road

City: Keizer

Zip: 97307-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Revisions to Section 2.403 allows Accessory Residential Housing in the front yard of an existing single family dwelling consistent with standards, and Section 3.101 establishes an Alternative Design Review process to review an Accessory Residential Housing unit that is proposed to be placed in the front yard.

For a change to a zoning map:

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

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

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

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

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

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

1 BILL NO. 700

A BILL

ORDINANCE NO.
2015- 721

2
3 FOR

4
5 AN ORDINANCE
6

7 AMENDING KEIZER DEVELOPMENT CODE REGARDING
8 SECTION 2.403 (SHARED HOUSING FACILITIES) AND
9 SECTION 3.101 (SUMMARY OF APPLICATION TYPES);
10 DECLARING AN EMERGENCY; **AMENDING ORDINANCE**
11 **98-389**
12

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

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

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

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

23 NOW, THEREFORE,

24 The City of Keizer ordains as follows:

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

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

2 The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the
3 adoption of the changes to Section 2.403 (Shared Housing Facilities) and Section 3.101
4 (Summary of Application Types) as set forth in Exhibit "B" attached hereto, and by
5 this 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,
8 or is denied acknowledgment by any court or board of competent jurisdiction,
9 including, but not limited to the Land Use Board of Appeals, the Land Conservation
10 and Development Commission and the Department of Land Conservation and
11 Development, then such portion shall be deemed a separate, distinct, and independent
12 provision and such holding shall not affect the validity of the remaining portions
13 hereof.

14 Section 4. EFFECTIVE DATE. This Ordinance being necessary for the
15 immediate preservation of the public health, safety and welfare, an emergency is
16 declared to exist and this Ordinance shall take effect immediately upon its passage.

17 PASSED this 1st day of June, 2015.

18 SIGNED this 1st day of June, 2015.

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Cathy Clark
Mayor
Andy D...
City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.403 Shared Housing Facilities and Section 3.101 Summary of Application Types)

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 2015-05.
 - b. In February, the Planning Commission voted to initiate the text amendment process to consider revisions related to infill development. The issue of accessory residential housing units was included as part of this process.
 - c. A public hearing was held before the Planning Commission on May 13, 2015 and the Planning Commission voted unanimously to recommend approval of the revisions. A public hearing was held before the City Council on June 1, 2015. The City Council voted to approve the proposed revisions and to adopt an ordinance with findings in support.

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

Findings: The proposed revisions to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the City's Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The intent is to identify chapters that can be updated in a manageable format. The proposed revision will allow for the zone code to be updated so that it is both easier to read and also eliminates identified confusions within the regulations. The revisions will allow the option of placing an accessory residential housing unit in the front yard through an alternative design review process in which the applicant would be required to demonstrate that the design of the accessory residential unit through architectural features, landscaping and orientation will be compatible with the surrounding neighborhood and adjoining properties. The City Council has determined that a demonstrated need exists and so complies with this provision.

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

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

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving a public hearing, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the Planning Commission and the City Council. Citizens were afforded the opportunity to participate in the public process. Written testimony was received from Rick and Andy Hoffman and also from Wayne Laird both in support of the proposed revisions. This information was made available to both the Planning Commission and the City Council. 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 opportunities for both verbal and written testimony were provided. Therefore, the proposed revisions 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. The proposed amendment will only affect lands that are within the boundaries of the city limits of Keizer. Within the city limits lands that allow commercial agriculture are the Special Agriculture (an EFU qualifying zone), a 10 acre parcel with an EFU designation which is not recognized by the state as an EFU qualifying zone, and the Urban Transition zone. The amendment will not impact any properties that are designated to allow for agricultural uses as none of these designated parcels are likely to have any accessory residential housing unit on them. The SA zoned parcel is owned by the city and is intended for future park uses, the EFU zoned parcel is a field with no buildings, and the UT zoned parcels are mostly small parcels with residences. Therefore, the proposed amendments will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. The only lands in the city limits that will allow commercial forestry are the UT, SA, and EFU zones. None of the parcels with these designations are currently in timber production. There are no other lands designated within the city limits that allow for commercial forestry. The amendments to Section 2.403 and 3.101 of the zone code does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The proposed amendment to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendments to the code regulations to allow the placement of an accessory residential housing unit in the front yard 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 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 and other local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. The revisions to the city's zone code regulations will not impact the quality of air, water, or land resources, and so complies with this goal and with administrative rules that implement this goal.

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

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The city has an adopted Parks and Recreation Master Plan that details the city's inventory of park facilities and estimates future park needs for the city's future residents. The proposed text amendments to Section 2.403 and 3.101 will have no impact on the recreational activities or uses within the city. Therefore, this goal and any related rules are not applicable.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city recently 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 study identified potential economic opportunities facing the region so as to better plan to take advantage of identified economic opportunities. A follow up to that study, the Keizer Economic Opportunities Analysis, was undertaken and documented the economic trends and economic opportunities which are geared specifically to Keizer. This study was adopted by the Council in June 2013.

The EOA documenting the composition of employment by industry in Keizer exhibits several large deviations from the statewide composition. The deviations represent Keizer's competitive advantages in the economy, which fall largely in population-driven services. Industry classifications such as Retail Trade, Education & Health, and Food Service & Drinking Places have a high representation locally. These well-represented industries, in combination with economic development goals and input from the stakeholders, were used to devise potential future target industries. Current employment levels by industry were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels.

The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. An inventory of remaining buildable lands finds

123 acres of buildable land remaining within the city boundary, in the commercial and industrial categories. However, there is no land available that is well-suited for the institutional category, which includes hospitals, higher education facilities, and other uses that figure heavily into the City's economic development strategy. Finally, the EOA shows there is a need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The city recently engaged with the City of Salem to conduct a planning study of buildable lands and housing needs analysis for the Salem – Keizer regional area. In a follow up to the regional study the city adopted its own local housing needs analysis geared specifically to Keizer and identified the projected 20 year housing needs for the city. The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number of non-group households by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population. The HNA documented that the largest share (50%) of one housing type is projected to be single-family detached homes, due to the stronger need for new ownership housing. The remainder of units is projected to be some form of attached housing (46%), or mobile homes (4%). 54% are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands finds a current supply of 315.2 acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres. The proposed amendments to Section 2.403 and 3.101 will allow for the opportunity to construct an accessory residential housing unit which would have a positive, although in all likelihood very slight impact on this goal and 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, and an established street system. Administrative services, police services, and public safety services are also provided by the city. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. The proposed amendments to Section 2.403 and 3.101 will not

impact any of the city's public facilities and services, and so this goal and any rules are not applicable.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems and outlines future needs and improvements to these facilities. The revisions to Section 2.403 and 3.101 will not impact any of the city's public transportation systems, and so this goal and any implementing rules are not applicable.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed text amendments will not affect this goal or implementing administrative rules, and so is determined to be not applicable.

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

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 city's code regulations will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revisions to Section 2.403 and 3.101 complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

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

FINDINGS: The proposed text amendment is intended to correct identified errors within the existing code regulations. In February, the Planning Commission voted to initiate the text amendment process to consider a set of text amendments related to the infill development. This specific topic (accessory residential housing) was forwarded to the City Council because the Planning Commission felt that it was not dependent on that larger discussion.

Currently, this type of housing can be constructed only to the side or to the rear of an existing house. This proposal will allow the option of placing an accessory residential housing unit in the front yard through an alternative design review process in which the applicant would be required to demonstrate that the design of the accessory residential unit through architectural features, landscaping and orientation will be compatible with the surrounding neighborhood and adjoining properties. The revisions will also eliminate the requirement that the accessory unit can be no more than 25% of the primary unit but will retain the existing maximum size limit of 750 square feet. This revision will allow for additional opportunities for this housing type, and will make the regulations simpler to understand. The accompanying revisions to Section 3.101 will create the alternative design review process as a Type I-C process for accessory residential units proposed for front yards.

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 found that it was appropriate to consider the proposed amendments and that a need was demonstrated for the proposed text amendments. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.403 SHARED HOUSING FACILITIES

2.403.01 Two-Family Shared Housing

Where permitted as a special use, two-family shared housing shall meet the following use and development standards. (5/98)

- A. Building Conversion. The building to be converted for two-family shared housing must have been constructed as a single-family dwelling, and have been occupied by the owner for any continuous 6 month period between the date of its first occupancy and the date of its conversion to a two-family dwelling. (5/98)
- B. Dwelling Units. The building must contain not more than two dwelling units after conversion and there must be not more than 2 dwelling units per lot. (5/98)
- C. Area Requirements. One dwelling unit must contain at least 300 square feet of floor area and the other must contain at least 600 square feet of floor area. (5/98)
- D. Occupancy. Only one of the two dwelling units may be occupied by a family, which does not include an owner-occupant of the building. (5/98)
- E. Ownership. Two-family shared housing under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (5/98)

2.403.02 Accessory Residential Housing

Where permitted as a special use, accessory residential housing shall meet the following use and development standards. (5/98)

- A. Location. The accessory residence shall be located within the side or rear yard.
- B. An accessory residence may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. The applicant must show that the design of the accessory residential housing unit will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below.

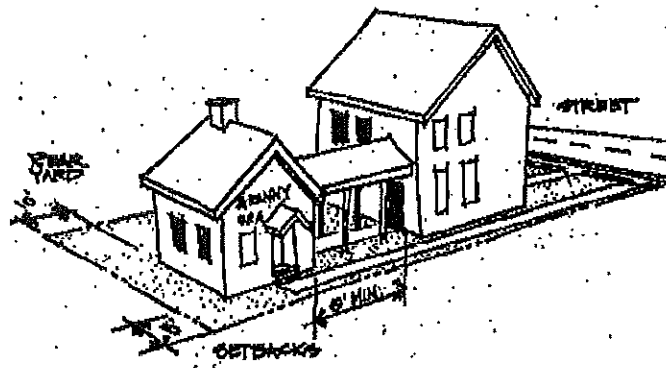


Figure 09 REVOCATION OR REVERSAL
O - Accessory Residential Housing

- C. All accessory housing units shall meet the following development standards:
- 1) Parking – The accessory residential unit shall share the same driveway as the primary residential unit plus shall provide 1 additional parking space.
 - 2) Design - The accessory residential unit shall generally match the design, color, material and textures of the primary residential unit.
 - 3) Screening - The accessory residential unit shall be screened from the street and adjacent properties by a combination of landscaping and trees.
 - 4) Orientation - The accessory residential unit shall be oriented to face the street or an access easement.
 - 5) The accessory residential unit shall be and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (5/98)
- D. Design. The accessory residential unit must be residential in character with an exterior finish similar to the primary residence. A separate address shall be required for each residence. (5/98)
- E. Area. The accessory residential unit shall be no larger than ~~25% of the floor-area of the primary residence or 750 square feet whichever is lesser.~~ (5/98)
- F. Setbacks and Height. The minimum rear yard setback shall be 10 feet unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall 5 feet. The maximum height shall be 25 feet. (5/98)
- G. Ownership. Accessory residential housing under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (5/98)
- H. Dwelling Units. The lot or property shall contain no more than 2 dwelling units. (5/98)

2.403.03 Duplex on a Corner Lot

Where permitted as a special use, a duplex on a corner lot shall meet the following additional use and development standards. (5/98)

- A. Lot Area. The corner lot shall contain at least 7,000 square feet. (5/98)
- B. Access. Each dwelling unit shall derive its pedestrian and vehicular access from a different street, unless otherwise required by the City Public Works Director. (5/98)

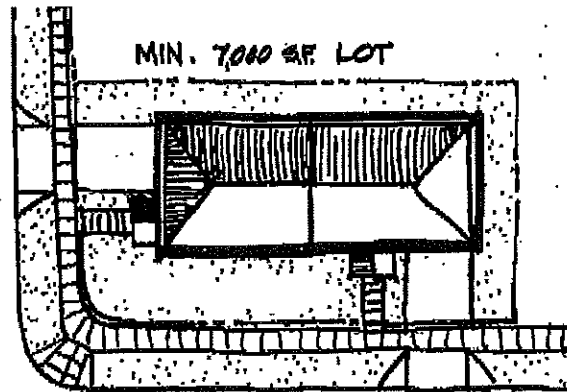


FIGURE EF_TOC168101 \H 459
3.2 - Duplex

3.101 SUMMARY OF APPLICATION TYPES

There are four types of development permits and land use actions, each with its own procedures as found in Chapter 3.2. (5/98)

3.101.01 Type I Action - Summary

Type I actions are administrative reviews processed by the City staff according to the procedures found in Section 3.202.01, 02 & 03. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into four parts: (3/10)

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. Conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer. The following actions are processed under the Type I-A procedure: (2/01)
 - 1. Signs (excluding variances or conditional uses) (5/98)
 - 2. Temporary Use Permit (3/10)

- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Hearings Officer. The Zoning Administrator may refer any application to the Hearings Officer or the City Council for public hearing and decision. The following actions are processed under the Type I-B procedure: (5/98)
 - 1. Variance (Minor and Sign) (11/05)
 - 2. Lot Line Adjustment (5/98)
 - 3. Conditional Use (except Transit Station) (05/09)
 - 4. Partitions (5/98)
 - 5. Greenway Development Permit (2/01)
 - 6. Floodplain Development Permit (including Floodplain Development Permit Variance) (3/10)

- C. Type I-C: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant. Appeal is to the Planning Commission. Notice is sent to property owners within the required notice area for public hearing. The Zoning Administrator may refer any

application to the Planning Commission or the City Council for public hearing and decision. The following action is processed under the Type I-C procedure:

1. Development Review (2/01)
2. Alternative Design Review for Accessory Residential Housing (Front Yard)

D. Type I-D: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The Zoning Administrator may refer any application to the Planning Commission or City Council for public hearing and decision. The following actions are processed under the Type I-D procedure: (07/03)

1. Variance (Major) (07/03)

3.101.02 Type II Actions - Summary

A. A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (2/01)

1. Subdivision (5/98)
2. Planned Unit Development (5/98)
3. Manufactured Home Parks (5/98)

B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (2/03)

1. Transit Station (5/09)

C. Type II-B: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Planning Commission shall hold a public hearing and make the

decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (06/11)

1. Nursing and Residential Care Facilities (06/11)
2. Cottage Cluster Developments with the creation of lots (6/14)
3. Cottage Cluster Developments with or without the creation of lots in an RS zone. (6/14)

3.101.03 Type III Actions - Summary

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. A Type III action follows the procedures found in Section 3.202.04. Staff and the Hearings Officer have advisory roles for Comprehensive Plan Map Amendments and Zone Changes. Staff and Planning Commission have advisory roles for Annexations. Public notice is provided and public hearings are held before the Hearings Officer, Planning Commission and City Council as determined by the application. Section 3.204 lists the notice requirements. In addition to applications by private parties, the City Council, by resolution, may initiate a Type III action. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure: (2/01)

- A. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships) (5/98)
- B. Zone Changes (involving 5 or fewer adjacent land ownerships) (5/98)
- C. Annexation (5/98)
- D. Keizer Station Master Plans which may include Subdivision and Partitioning (4/10)

3.101.04 Type IV Actions - Summary

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. A Type IV action follows the procedures found in Section 3.203. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure: (2/01)

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)

- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

LAND USE APPLICATION PROCESS (4/10)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Signs, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Floodplain Development Permit (including Floodplain Development Permit Variances (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) (05/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Lot Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Transit Station (05/09)	II-B	Recommendation to City Council			Final Decision
Nursing and Residential Care Facilities (06/11)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Cottage Cluster Development as a Conditional Use (6/14)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
<u>Alternative Design Review for Accessory Residential Housing (Front Yard)</u>	<u>I-C</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Planning Commission Decision</u>
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Review	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision