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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Monday, May 2, 2022

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. SPECIAL ORDERS OF BUSINESS

a. Keizer Distinguished Young Women Recognition

b. PROCLAMATION – Asian Pacific Heritage Month

c. PROCLAMATION – Jewish American Heritage Month

5. COMMITTEE REPORTS

a. Formation of Keizer Rapids Park Turf Field Work Group

6. PUBLIC COMMENTS

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

7. PUBLIC HEARINGS

a. Proposed Text Amendments to the Keizer Development Code and Keizer Comprehensive Plan to Implement the Provisions of House Bill 2001 and Senate Bill 458 Pertaining to the Allowance of Middle Housing Types

8. ADMINISTRATIVE ACTION

a. RESOLUTION – Recognition of Northwest Keizer Neighborhood Association

b. South East Keizer Neighborhood Association Annual Report

c. Fee Waiver Request for Keizer Rotary Amphitheatre for McNary High School Audio Production & Technology (APT) Stage Show

d. KeizerFest 2022

e. RESOLUTION – Authorizing City Manager to Sign Agreement with CASA of Marion County for American Rescue Plan Act Grant

f. RESOLUTION – Amending the Keizer Personnel Policy Manual Regarding Holidays Observed (Section 13, Page 53); Amending Resolution R2010-2040

9. CONSENT CALENDAR

a. RESOLUTION – Approving Report of Consultant Relating to Wheatland Road Corridor Plan

b. RESOLUTION – Designating Contract Signers for Banking Services and Authorizing City Manager, Finance Director and Mayor to Designate Signers for Other Banking Functions; Repealing Resolution R2021-3162

c. Report on Disbursement of Petty Cash Funds FY 22

d. RESOLUTION – Restating the City of Keizer Governmental Money Purchase Plan and Trust Adoption Agreement Under Section 401A of the Internal Revenue Code

e. Approval of April 11, 2022 Work Session Minutes

f. Approval of April 18, 2022 Regular Session Minutes

10. OTHER BUSINESS

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

11. STAFF UPDATES

12. COUNCIL MEMBER REPORTS

13. AGENDA INPUT

May 9, 2022

6:00 p.m. – Keizer Budget Committee Meeting

May 10, 2022

6:00 p.m. – Keizer Budget Committee Meeting

May 16, 2022

7:00 p.m. – City Council Regular Session

City of Keizer Mission Statement

Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion

14. ADJOURNMENT

City of Keizer Mission Statement

Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion

To: Keizer City Council

From: Mayor Cathy Clark

Re: Distinguished Young Women

Date: May 2, 2022

Distinguished Young Women of Keizer is part of a national scholarship program that promotes and rewards scholarship, leadership and talent in young women. Cash scholarships are awarded at the local level and millions in college-granted scholarships are available (\$1 billion nationally). And local winners will advance to the state program in Salem.

Fatima Falcon, Distinguished Young Woman of Keizer 2016 and staff member at the Keizer Chamber of Commerce, is here to introduce the 2022 and 2023 Distinguished Young Women representatives for Keizer and the 2023 participants. Their hard work and perseverance is remarkable in and of itself, but they have also had to be flexible as the program has had to adapt to ever-changing public health requirements. These young women are the ones who are and will be making history through their careers.

The Distinguished Young Woman of Keizer for 2022 is Ellie Auvinen.

Ellie's achievements include: National Honor Society • Social Chair of McNary Choir Board • McNary Choir Board President

In addition, Ellie's activities include: McNary Cheer Team • McNary Choir Program • National Thespian Society • National Honor Society • McNary Choir Counsel • Lifeguarding • Teaching Swim Lessons • Coaching a Swim Team * Volunteering in the community with Keizer Young Life



The Distinguished Young Woman of Keizer for 2022 is Sydney Smith.

Sydney's achievements include: Oregon Junior Bach Festival • 2020 National Music Festival • State Bach Festival • 2019 National Music Festival • Romantic Festival • 2018 National Music Festival • Sonatina Gallery • 2017 National Music Festival • Festival of Ribbons • 2016 National Music Festival

In addition, Sydney's activities include: Track and Field • Piano Classes • LDS Church Youth Group • Swim Team • Seminary



Distinguished Young Woman of Keizer for 2023 is [Kiele Jarnagin](#)

High School: McNary High School

College Preference: Western Oregon University

Career Goals: I would love to become a theatre teacher!

Talent: Monologue (An Ideal Husband, by Oscar Wilde)



Distinguished Young Woman of Keizer for 2023 is Anna Sponable

High School: McNary High School

College Preference: Northwestern Christian University

Career Goals: Non-Profit Management

Talent: Vocal ("This Could Change Everything", by Franchesca Battistelli)

**Distinguished Young Woman of Keizer, First Alternate, for 2023, is McKenna Eppley**

High School: Blanchet Catholic School

College Preference: United States Coast Guard Academy

Career Goals: United States Coast Guard

Talent: Cello (Cello Suite 1 - Menuet 1, by J.S. Bach)



Distinguished Young Woman 2023 Participants:

[Jetta Mowrey](#)

High School: McNary High School

College Preference: Oregon State University

Career Goals: Biologist

Talent: Pom Dance Routine (Better Have My Money, by Rihanna)



[Lilly Purkey](#)

High School: McNary High School

College Preference: NYU TISCH

Career Goals: High School Drama Teacher

Talent: Singing (Top Of My School, by Katherine Lynn-Rose)



Anet Quintero Salgado

High School: McNary High School

College Preference: Syracuse University

Career Goals: Journalism, General music or composition,

Talent: Flute (City of Stars (from La La Land), by Arranged by Gina Luciani)



Amber Haley

High School: McNary High School

College Preference: OHSU

Career Goals: Nursing

Talent: Piano (Cannon in D, by Johann Pachebel)





WHEREAS, Asian and Pacific Islander community members have made significant contributions to the culture, economy and heritage of Keizer; and

WHEREAS, Asian and Pacific Islander encompasses all of the Asian continent and Pacific Islands and is comprised of many nations and cultures, each with a unique identify and rich heritage, encompassing approximately 50 ethnic groups speaking over 100 languages; and

WHEREAS, Eastern Asia includes China, Hong Kong, Japan, South Korea, North Korea, Macau, Mongolia, Paracel Islands, and Taiwan. Southeastern Asia includes Brunei, Myanmar (Burma), Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, and Vietnam. South Central Asia includes Afghanistan, Bangladesh, Bhutan, India, Iran, Kazakhstan, Kyrgyzstan, Maldives, Nepal, Pakistan, Sri Lanka, Tajikistan, Turkmenistan, and Uzbekistan. Western Asia includes Armenia, Azerbaijan, Georgia, Bahrain, Cyprus, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, Turkey, the United Arab Emirates, and Yemen; and

WHEREAS, the Pacific islands include Melanesia (New Guinea, New Caledonia, Vanuatu, Fiji and the Solomon Islands), Micronesia (Marianas, Guam, Wake Island, Palau, Marshall Islands, Kiribati, Nauru and the Federated States of Micronesia), and Polynesia (New Zealand, Hawaiian Islands, Rotuma, Midway Islands, Samoa, American Samoa, Tonga, Tuvalu, Cook Islands, French Polynesia and Easter Island); and

WHEREAS, the month of May was designated in order to commemorate the immigration of the first Japanese to the United States on May 7, 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869, in which the majority of the workers who laid the tracks were Chinese immigrants; and

WHEREAS, the Federal Asian Pacific American Council has declared the theme for the 2022 observance to be "Advancing Leaders Through Collaboration" which results in sparking "innovation in organizations due to the diversity of creative ideas and openness for dialogue and understanding."

NOW, therefore, I, Cathy Clark, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim May 2022 as

Asian American, Native Hawaiians, and Pacific Islanders Heritage Month

And ask all the people of Keizer to join together in paying tribute to the generations of Asian and Pacific Islanders who have enriched America's history and are instrumental in our future success.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be herein affixed this 2nd day of May 2022.

MAYOR CATHY CLARK
City of Keizer, Oregon



WHEREAS, Jewish American Heritage Month celebrates the contributions Jewish Americans have made since they first arrived in New Amsterdam in 1654 in search of better opportunities and made America their new home base, finding in it a place where they could openly practice their faith and lead their lives freely without the fear of persecution; and,

WHEREAS, On April 20, 2006, President George W. Bush proclaimed that May would be Jewish American Heritage Month; and,

WHEREAS, despite facing persecution and racism through time, the Jewish American community did not give up and has come through each time and, if it were not for them considering America their home and dedicating their achievements to the country, American culture, faith, commerce and governance would have missed out on their tremendous contributions to our society; and,

WHEREAS, as a religious and cultural minority in the US, the contributions and experiences of Jewish Americans have sometimes been omitted from our country's national narrative, largely due to ignorance and a history of bias against them; and,

WHEREAS, the people of Keizer desire to fully and authentically celebrate and honor the influence and impact of Jewish Americans on American society.

NOW, therefore, I, Cathy Clark, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim May 2022 as

Jewish American Heritage Month

And ask all the people of Keizer to join together in paying tribute and respect to Jewish Americans for their tremendous achievements and contributions to America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be herein affixed this 2nd day of May 2022.

*MAYOR CATHY CLARK
City of Keizer, Oregon*

To: Keizer City Council

From: Mayor Cathy Clark

Re: Turf Field Project ARPA Grant from Marion County

Date: May 2, 2022

On April 11, 2022, the Keizer City Council held a work session on the topic of a grant offer from Marion County to build two turf fields at Keizer Rapids Park.

Keizer Rapids Park is the only publically owned and accessible land in the Keizer system with the space for the fields that also has space planned for parking, fully developed bike/ped system connection, and 3/4 mile from a transit stop.

The need for sports fields was clearly laid out by County Commissioners Danielle Bethell and Colm Willis. There are turf fields at each of the six Salem-Keizer high schools and those fields are used constantly, with practices scheduled until as late as 11PM to accommodate the demand. School-based activities alone easily exceed the scheduling capacity of these fields since the schools emphasize sports and activities as part of the model for student success that has been demonstrated to increase graduation rates. Grass fields such as those at Whiteaker Middle School are used as much as conditions allow. Conversion of these fields to turf would not add sufficient scheduling capacity to meet the need and the site already has constrained parking and traffic congestion issues. Mid-Valley Soccer Club and Capital Pioneer Women's Football representatives both laid out their space needs. The flexibility of turf fields to accommodate additional sports, including lacrosse and softball, adds to the local demand for space.

The Keizer community has long identified the need for space for youth activity and public gathering spaces. The 2009 *Keizer Compass*, which created a 20 year vision as part of the comprehensive plan, identified needs for space for youth recreation and high-quality parks. Local sports programs such as Mid-Valley Soccer Club Need a place for kids to play that is not dependent on income and is easily accessible. Community based sports such as Capitol Pioneer Women's Football need space to provide more local programs.

Keizer is a leader in regional partnerships and collaboration. The park itself was created through extensive collaboration with county, state and federal partners and intended to be a regional asset. The construction of turf sports fields would be one more way in which Keizer Rapids Park would provide regional outdoor activity capacity.

I recommend that a work group be appointed to complete the process bringing to Council a recommendation on whether to proceed with the proposal after a review of estimated revenues and expenses for operation, maintenance, and sinking fund for field replacement. Sources of matching funds would be identified and included in the recommendation to Council. If other funding sources are identified later, that can be managed as a budgetary adjustment internally. The work group will be Mayor Clark, Councilor Herrera and Councilor Juran.

Once the Council has approved an agreement with Marion County, a subsequent work group will be formed to address: community partnerships (i.e. Mid-Valley Soccer Club, Capitol Pioneer Football, McNary High School), operations (i.e. security, scheduling, fees), and maintenance (i.e. requirements, possible partnership with school district).

Keizer and our region need a place for kids to play where income, location and access are not barriers. The generational impact will positively impact families and invite them to the park. We can get this done. We have partners ready to go. Let's do this.

COUNCIL MEETING: May 2, 2022
AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: ADAM BROWN, CITY MANAGER

FROM: SHANE WITHAM, PLANNING DIRECTOR

SUBJECT: Proposed text amendments to the Keizer Development Code (KDC) and Keizer Comprehensive Plan to implement the provisions of House Bill 2001(HB2001) and Senate Bill 458(SB458) pertaining to the allowance of “middle housing” types.

ATTACHMENTS:

- Middle Housing Project Overview Memo
- Middle Housing Code Updates Summary
- KDC Sections:
 - 1.200 Definitions
 - 2.102 Single Family Residential (RS)
 - 2.103 Limited Density Residential (RL)
 - 2.104 Medium Density Residential (RM)
 - 2.105 High Density Residential (RH)
 - 2.107 Mixed Use (MU)
 - 2.130 River-Cherry Overlay District (RCOD)
 - 2.301 General Provisions
 - 2.303 Off-Street Parking and Loading
 - 2.314 Standards for Single Family Dwellings
 - 2.315 Development Standards
 - 2.403 Shared Housing Facilities
 - 2.404 Zero Side Yard Dwelling Units (Eliminate Section)
 - 2.432 Cottage Cluster Development
 - 3.101 Summary of Application Types
 - 3.115 Middle Housing Land Divisions (New Section)
 - 3.116 Expedited Land Divisions (New Section)
- Comprehensive Plan Section: Residential Development Goals, Objectives and Policies
- Written Comment received at Planning Commission – Michael Deblasi
- Draft Findings

BACKGROUND:

For the past several months, Planning Commission has functioned as a “technical advisory committee” for the work undertaken to implement the mandated requirements of HB2001 and SB458. This process included auditing the existing KDC, identifying policy issues, and recommending approaches to be taken to successfully complete the project. An online survey and open house were held early on in the project, to guide the process and receive public input. Planning Commission meetings have been broadcast and open to the public for participation throughout the process. In addition, staff has advertised meetings through online platforms and has maintained project updates on the City website. The Keizertimes has also published 2 separate articles regarding the project. On April 13, 2022, the Planning Commission held a public

hearing to consider the proposed text amendments, and voted unanimously to recommend approval to City Council. One written comment was received at the Planning Commission Hearing urging the City to do more than the minimum required by legislation, which is attached for your reference. In addition, Rhonda Rich testified at the Planning Commission to ask some clarifying questions regarding the proposed changes.

ISSUE:

Two memos from our consultant are attached for your review. The first, “Keizer Middle Housing Project Overview”, is a brief memo which provides a high-level explanation of the requirements. The second, “Middle Housing Code Updates Summary”, is more comprehensive and explains specifics of the proposed draft language.

In addition to the memos, the proposed draft amendments to each of the affected sections of the Keizer Development Code and Comprehensive Plan are attached for your consideration. The draft amendments are formatted in a redline version. Our consultant will be presenting at the public hearing to provide an overview of the draft code language, and will be available to answer questions you may have.

The proposed amendments represent the minimum requirements that Keizer must adopt to comply with the provisions of the legislation. There are a couple of changes proposed that are not specific to the HB2001 work which are addressed in the “Code Update Summary” – Specifically, staff is recommending the height limitation for multi-family buildings in the RM zone be increased from 35 to 45 feet to allow for infill opportunities, which was raised at one of the previous planning commission meetings. In addition, staff is recommending that setback regulations be changed for multi-family buildings. Previously, setbacks have been regulated based on the architectural orientation of individual buildings, as opposed to setbacks to the property itself. Staff is recommending that setbacks be applied to the property, so the rear yard setback would apply to the rear property line, as opposed to each individual building. This will allow more flexibility for property owners to site buildings and accommodate needed parking areas for developments.

RECOMMENDATION:

That City Council open the public hearing to consider the proposed text amendments, close the public hearing, deliberate, and direct staff to prepare an ordinance with findings to adopt the proposed revisions.

Keizer Middle Housing Project Overview

Like many communities across Oregon, Keizer is experiencing a housing shortage. In response to this housing crisis, the Oregon Legislature passed House Bill 2001 in 2019 and Senate Bill 458 in 2021, which will help cities update their land use rules to accomplish the following:

- ✓ Provide a wider range of housing options in Oregon communities, including housing that is relatively similar in scale to traditional individual homes.
- ✓ Provide housing types that are more affordable to people with lower-moderate incomes. It will help improve long-term affordability by increasing overall supply.
- ✓ Provide greater homeownership opportunities for a variety of housing types.

The new state rules will require cities to allow *middle housing* types in residential zones that allow for single-family detached housing. The following applies for these new rules:

- For the purposes of the new rules, *middle housing* refers to duplexes, triplexes, quadplexes, townhouses, and cottage cluster housing.
- Keizer must allow duplexes on **any lot or parcel in residential zones that allow single-family detached housing**, and the City must allow triplexes, quadplexes, townhomes, and cottage cluster **in areas where single-family detached is allowed**.
- The City must allow *expedited* land divisions for middle housing, otherwise known as a **Middle Housing Land Division**. This type of land division is intended to create separate lots for each middle housing unit, thereby increasing homeownership opportunities for middle housing.

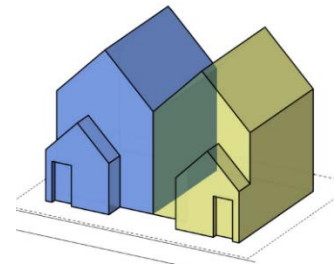
Keizer is required to comply with additional state standards and guidelines (OAR 660-046) which must be in effect by **June 30, 2022**.

Expanding Housing Types in Keizer

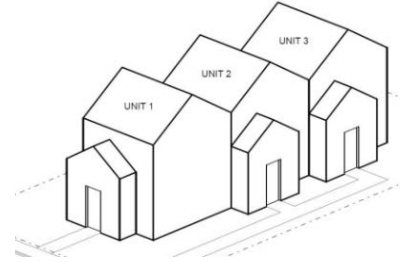
City staff and the Planning Commission have been working with a consultant – MIG|APG – to update Keizer’s residential zoning regulations to comply with the new middle housing rules. The draft recommendations include updates to allow each middle housing type in each of the City’s residential zones. To the greatest extent possible under the state rules, the recommendations are tailored to Keizer’s current residential development and design standards, which will help ensure these new housing types fit the character and scale of the City’s existing and future neighborhoods.

Each middle housing type that the City will need to allow are described as follows:

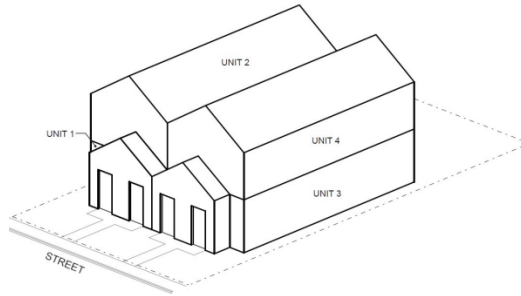
Duplexes are defined as two units on a single lot/parcel.



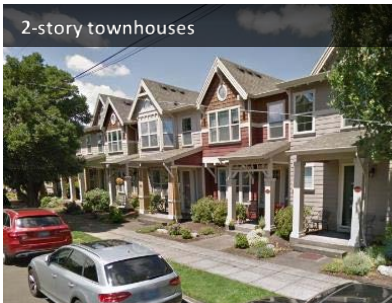
Triplexes are defined as three units on a single lot/parcel.



Quadplexes are defined as four units on a single lot/parcel.



Townhouses are defined as attached units on individual lots/parcels.



Cottage Clusters are defined as multiple small, detached units oriented around a common courtyard.





MEMORANDUM**Middle Housing Code Updates Summary**
City of Keizer

DATE April 1, 2022
TO Shane Witham and Dina Horner, City of Keizer
Sean Edging, DLCD
FROM Matt Hastie and Brandon Crawford, APG | MIG

Overview

The purpose of this memo is to summarize recommendations for the Keizer Middle Housing Code Update project. The Code updates are intended to comply with House Bill 2001 (HB 2001, adopted 2019) and Senate Bill 458 (SB 458, adopted 2021). They also address the state's Administrative Rules (OAR 660-046) that have been developed to implement HB 2001. The draft Code updates were divided between HB 2001 amendments and SB 458 amendments.

Comprehensive Plan

Comprehensive Plan policies should be updated to reflect the intent of HB 2001 and for consistency with Development Code provisions related middle housing. Specifically, the Comprehensive Plan should clarify middle housing types are exempt from the maximum densities stated for each level of residential density. In addition, we recommend explicitly including "middle housing" as an allowed use in each density level, which is necessary to clarify that low-density zones must allow middle housing.

Definitions

We recommend Keizer add definitions for triplex, quadplex, and cottage clusters that are separate from multi-family dwellings so that the City can apply standards for these housing types that comply with OAR 660-046. We also have included a general definition for "middle housing" that is specific to the required housing types under HB 2001. We also recommend adding definitions for "Middle Housing Land Division," "child lot," and "parent lot" to help clarify updated SB 458 procedures and requirements.

In addition to middle housing-related definitions, we recommend replacing the term "family" with "household" for each housing type. There is a growing trend among cities to refer to a group occupying a housing unit as a "household" instead of "family". This shift in terminology is inclusive of non-related household members. We recognize that "single-family" and "multi-family" are used throughout the Code, and we therefore do not recommend changing these terms where they are used elsewhere since a minor revision to the definition does not create any new conflicts.

Permitted Uses

According to the OARs, “zoned for residential use means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.” The following zones meet this definition and allow single-family detached dwellings (SFDs), and are therefore subject to the middle housing requirements:

- Single Family Residential (RS – 2.102)
- Limited Density Residential (RL – 2.103)
- Medium Density Residential (RM – 2.104)
- High Density Residential (RH – 2.105)
- Mixed Use (MU – 2.107)
- River Cherry Overlay District (RCOD – 2.130)

Most middle housing types are already permitted outright in most residential zones. The zones that do not list middle housing types under “Permitted Uses” must add them, with the exception of cottage clusters. Cottage clusters may be listed as a “Special Permitted Use” provided they are still allowed outright and meet minimum compliance standards in OAR 660-046. Although the Mixed Use zone is not primarily a residential zone, the State currently interprets any mixed-use zone that allows single family as a residential zone subject to HB 2001.

Lot Dimension, Building, and Density Standards

Duplexes will need to be allowed on every lot or parcel that allows single family detached homes (SFDs), and therefore will need to have the exact same dimensional standards as SFDs. This will apply to every residential zone that allows SFDs. Based on the minimum lot size for SFDs being less than 5,000 sf in every residential zone, the largest minimum lot size the City can apply to triplexes is 5,000 sf in every applicable zone. Likewise, the City can apply a maximum 7,000 sf minimum lot size for quadplexes and cottage clusters. We therefore recommend the same minimum lot sizes for triplexes (5,000 sf), and quadplexes and cottage clusters (7,000 sf) throughout the applicable residential zones. If the City chooses to apply a minimum lot size for townhouses, it must not exceed 1,500 sf, regardless of the lot size for SFD in the same zone.

Middle housing already is subject to most of the same height, setback, and lot width/depth requirements that apply to SFDs. We recommend the City require the same minimum lot width and depth for all middle housing types except for townhouses, which will help enable infill opportunities. Townhouses do not need to have a minimum lot width; however the minimum allowed street frontage must not exceed 20 feet – a 20 foot width will ensure frontage does not exceed 20 feet.

Maximum density requirements cannot apply to middle housing except for townhouses. For townhomes, the City must allow for densities of four times the maximum density for SFDs or 25 units/acre, whichever is less. As a result, maximum townhouse density will be 25 units per acre for each residential zone.

Cottage clusters are the only middle housing type that can have a maximum height below the maximum height requirement for SFDs, as long as the allowed height is not less than 25 feet. We therefore recommend the City keep its existing maximum height for cottages (25 feet). In addition, we recommend the City increase maximum height from 35 feet to 45 feet for multi-family development in the Medium Density (RM) zone to accommodate densities and infill potential that the zone is intended to provide.

The City must apply setback standards to middle housing that are no greater than setback requirements for SFDs. Cottage cluster setbacks must not exceed SFD setback standards or 10 feet, whichever is less.

Design Standards

Any design standards that are applied to middle housing cannot be more restrictive than the design standards for SFDs or the design standards established in the Middle Housing Model Code. We therefore recommend the City apply existing SFD standards (Section 2.314) to each middle housing type. When applying SFD standards to middle housing, the design standards must be clear and objective and required design feature cannot scale *per unit* (e.g., if a single porch were required for a SFD home, the City cannot require two porches for a duplex, or three for a triplex, etc.). This scaling requirement also applies to cottage clusters – the minimum number of design features required for SFDs cannot be required for every cottage unit in a development – the design features can only be required for the entire cottage cluster development. Nothing in these updates prohibits a developer or property owner from providing additional design features beyond the minimum requirements.

Eliminate Zero-Side Yard Dwelling Standards

The purpose of the Zero-Side Yard dwelling requirements and standards are to regulate townhouses and provide flexibility for SFDs to connect to another unit on the shared lot line. Because the recommended Code Updates will expand opportunities for middle housing development and conversions, including for townhouses, staff recommends removing standards for zero-side yard dwellings. The HB 2001 and SB 458 updates meet the same intentions of the Zero-Side Yard provisions.

Cottage Cluster Standards

The Code's existing cottage cluster siting and design standards are in a separate section from the residential zones. We recommend the City keep and revise this section in order to retain existing standards and also comply with HB 2001 and associated OARs. For consistency and integration with other middle housing standards, we also recommend amendments to include or reference cottage cluster standards in the residential zone sections of the Code.

Several amendments are recommended for the City's Cottage Cluster development and design standards. Most of the revisions pertain to updating provisions to meet clear and objective standards that are either consistent with Middle Housing Model Code standards or minimum compliance requirements in OAR 660-046.

Review and Approval Procedures

All middle housing types must be subject to the same review/approval procedures as SFDs. All housing types except for cottage clusters are currently subject to Development Review (Type I-C). Cottage clusters will need to also be subject to Development Review instead of the current Conditional Use procedure (Type II-C). In addition, we recommend removing the review and approval procedures in the cottage cluster section of the Code (2.432.05 – 2.432.09), as the provisions outlined in these sections deviate from approval/review procedures for SFDs.

SB 458 Middle Housing Land Divisions

The City will need to comply with new rules for Middle Housing Land Divisions in the same timeframe as HB 2001 – by June 30, 2022. SB 458 requires cities to allow expedited land divisions for any HB 2001 middle housing type. Cities do not have much flexibility for how they can implement SB 458, and therefore we recommend Keizer incorporate provisions directly from SB 458 and regulating statute (ORS 197.360 – 197.380) into new Code sections. In addition, we recommend the City create a new Code section for implementing State requirements for Expedited Land Divisions, which are the original rules that middle housing land divisions are based on.

Code Graphics

We recommend the City to include graphics that illustrate the various middle housing types and related procedures. Code graphics can be a useful resource to supplement complex code provisions or building types. We recommend the following graphics, which have been incorporated into the draft code amendment documents:

- Illustrations of design features for SFD and middle housing to supplement (KDC 2.314)
- General graphic for each middle housing type (KDC 1.200)
- Graphic that illustrates middle housing conversions (KDC 2.314)
- SB 458 – parent lot vs. child lot distinction (KDC 1.200)

1.200 DEFINITIONS

1.200.01 General Provisions

- A. General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire Keizer Development Code (general), and those terms that are applicable to specific Sections (specific). Terms used in specific Sections are identified as follows:
- | | |
|------------|---|
| [Adult] | Adult Entertainment Business; Section 2.418 |
| [Flood] | Floodplain Overlay Zone; Section 2.122 |
| [Greenway] | Greenway Management Overlay Zone; Section 2.123 |
| [Historic] | Historic Resources; Section 2.127 |
| [RV Park] | Recreational Vehicle Spaces and Park; Section 2.412 |
| [Signs] | Signs; Section 2.308 |
- B. Interpretation. When there are two definitions for the same word or phrase, then the definition most applicable for the given situation shall apply. If appropriate, specific terms may be applied to general situations. (5/98)

1.200.02 Grammatical Interpretation.

Words used in the masculine or feminine include all genders. Words used in the present tense include the future, and the singular includes the plural. The word "shall" is mandatory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings. (12/19)

1.200.03 Diagrams

Diagrams are provided for terms or phrases in order to provide an illustrative example. (5/98)

1.200.04 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Access: The way or means by which pedestrians and vehicles shall have ingress and egress to property. (5/98)

Accessory Dwelling: An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. (1/19)

Access Easement:

A narrow, private, limited use roadway, which provides access to a public street for properties that do not have usable public street frontage. (11/16)

Accessory Structure: A detached, subordinate building or portion of a main building, the use of which is incidental to the main building or use of the land, but does not include dwellings or living quarters. (5/98)

Accessory Use: A use incidental and subordinate to the main use of the parcel, lot or building. (5/98)

Adjacent: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent." (5/98)

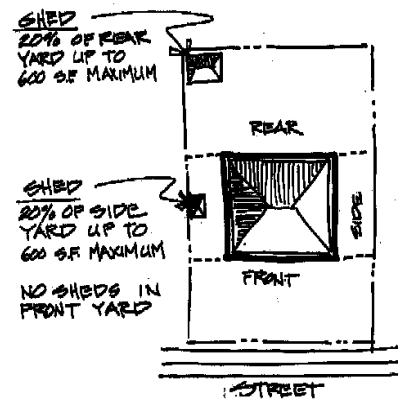
Administrative Decision: A decision made by applying the existing standards contained in this Ordinance and without a public hearing. (5/98)

Adult entertainment business [Adult]: A term intended to cover a broad range of activities characterized by live, closed circuit, digital, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult businesses limit their patrons to persons at least 18 years of age. The term "adult entertainment business" also includes the full range of adult motion picture or video theaters and related businesses, such as adult bookstores, adult theaters, adult massage parlors, adult lotion studios, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which make up a substantial or significant portion of the establishment's activities or merchandise and constitute a continuing course of conduct of exhibiting specified sexual activities and/or nudity in a manner which appeals to a prurient interest. The term "adult entertainment business" also includes other uses similar to the uses mentioned above, presenting material for patrons to view (live, closed circuit, or reproductions), providing massage or lotion studios for the purpose of fondling or other erotic touching of specified anatomical areas and/or purchase or rent of merchandise which emphasizes nudity and/or specified sexual activity in a manner which appeals to a prurient interest, and limiting entrance to patrons who are over 18 years of age. (5/98)

Alteration [Historical]: A change, addition, or modification to the exterior of a building. (5/98)

Alteration or Altered [Sign]: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face shall not be considered an alteration. (5/98)

Alteration, Structural: Any change in the exterior dimensions of a building, or, a change which would affect a supporting member of a building, such as a bearing wall, column, beam, or girder. (5/98)



Accessory Structure

Appeal: A request for a review of a decision authority's action on an application. (5/98)

Appeal [Flood]: A request for a review of the interpretation of any provision of this ordinance or a request for a variance. (12/20)

Applicant: The property owner of record or contract purchaser. (5/98)

Approved: Means approved by the Community Development Director, Hearings Officer, Planning Commission or City Council having the authority to grant such approval. (5/98)

Architectural Front: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural front of a building is opposite the architectural rear. The architectural front is typically the façade with the main point of entry into the building and may include doorways, stairs, windows, and other architectural features typically found on a front of the residential building. It may be oriented towards a street or towards an internal parking lot. (6/07)

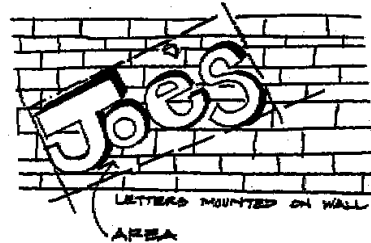
Architectural Rear: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural rear of a building is opposite the architectural front, or the façade with the main point of entry into the building. The architectural rear is typically the side of the building that may include such features as porches, patios or other features for use of either individual or multiple units. (6/07)

Architectural Side: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural side of a building is perpendicular to both the architectural front and rear. The architectural side is typically the façade without any significant architectural features found on either the front or rear of the building. (6/07)

Area: The total area circumscribed by the boundaries of a lot or parcel, except that:

1. When the legal instrument creating the property shows the boundary extending into a public street right-of-way, then for purposes of computing the lot or parcel area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street. (5/98)
2. Private access easements, and the access strips to flag-lots, shall not be included when calculating the area of a lot or parcel. (5/98)

Area [Sign]: The area of a sign shall be the entire area within any type of border, which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Sign Area

Attached Dwellings:

~~Two or more dwelling units on separate properties that share a common wall for a full story that adjoins enclosed habitable space on each side. Attached dwellings shall be joined along a common wall for no less than one story for a distance of at least 10 feet. (01/02)~~

Automobile, Recreational Vehicle or Trailer Sales: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers and where repair work is limited to minor, incidental repairs. (5/98)

Auto-oriented development: Development that is designed to accommodate customers who use automobiles to travel to the site. This type of development typically provides more than the minimum required number of parking spaces. Buildings entrances tend to emphasize providing convenient access to parking areas. Other typical characteristics are drive-through facilities, multiple driveways, and a low lot coverage percentages. (12/19)

Awning [Sign]: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)

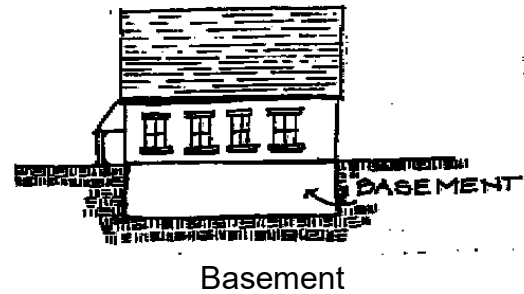


Sign Awning

Base Flood [Flood]: The flood having a one percent chance of being equaled or exceeded in any given year. (12/20)

Base Flood Elevation (BFE) [Flood]: The elevation to which floodwater is anticipated to rise during the base flood. (12/20)

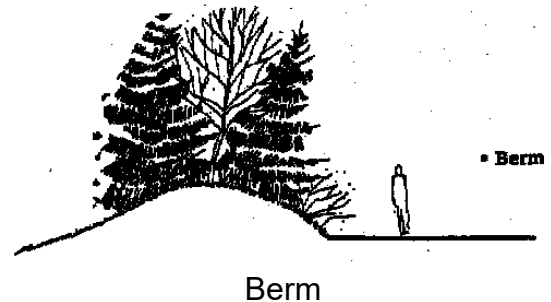
Basement: That habitable portion of a building between floor and ceiling which is all below, or partly below and partly above, grade, but so located that for all exterior walls the average vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story. (5/98)



Basement [Flood]: Any area of the building having its floor subgrade (below ground level) on all sides. (12/20)

Bed and Breakfast Establishment: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis with a morning meal provided. (5/98)

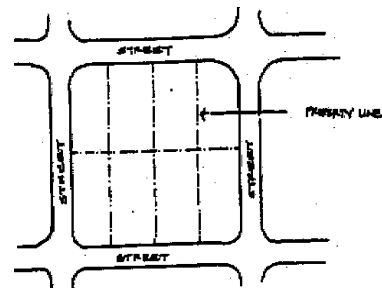
Berm: A linear mound of soil. (5/98)



Bicycle Facilities: Improvements which provide for the needs of cyclists, including bicycle paths, bicycle routes and bicycle parking. (5/98)

Biomass Facility: An electric generating facility that burns wood, agricultural products, other plant or animal waste or material solid waste as fuel to produce steam which is converted to electricity. This definition also includes a gasification, methane fermentation, or alcohol fuel production facility. (5/98)

Block: A parcel of land bounded by 3 or more through streets. (5/98)



Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. Recreational vehicles shall not be considered buildings. (5/98)

Building Coverage: The portion of a lot or parcel covered or occupied by buildings or other structures. (5/98)

Building Face [Sign]: The single wall surface of a building facing a given direction. (5/98)

Building Frontage [Sign]: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A service station may use the longest side of an overhanging canopy for building frontage. (5/98)



Building Height: The vertical distance from the average elevation of the finished grade to the highest point of the structure. By definition, building height does not include architectural and building features exempt from height restrictions. (5/98)



Building, Main: A building within which is conducted the principal use of the property. (5/98)

Building Official: An individual empowered by the City to administer and enforce the Uniform Building Code (UBC). (5/98)

Building Plane: The plane of a building wall that extended from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. The plane does not include roof area. (12/18)

Cabana: A stationary structure with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home. (5/98)

Canopy Sign [Sign]: A sign hanging from a canopy or eve, at an angle to the adjacent wall. (5/98)

Carpool: A group of two or more commuters, including the driver, who share the ride to and from work or other destinations. (5/98)

Carport: A structure consisting of a roof and supports for covering a parking space and of which not more than one side shall be enclosed by a wall or storage cabinet. (5/98)



Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery. (5/98)

Change of Use: A change from one type of use of a building or land to another type of use. (5/98)

Change of Use [Greenway]: Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

Child Foster Home: Any home maintained by a person who has under the care of the person in such home any child under the age of 18 years not related to the person by blood or marriage and unattended by the parent or guardian for the purpose of providing such child's care, food and lodging. This use must have a current certificate of approval issued by the State of Oregon (6/99)

Church: See House of Worship. (5/98)

City: The City of Keizer, Oregon. (5/98)

Clinic: A facility operated by a group of physicians, dentists, or other licensed health practitioners on an out-patient basis and not involving overnight housing of patients. (5/98)

Club: An organization, group, or association supported by the members, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit. (5/98)

Commission: The Planning Commission of Keizer, Oregon. (5/98)

Common Open Space: An area, feature, building or other facility within a development intended for the use by the residents of the development. (5/98)

Community [Flood]: The city limits of the City of Keizer. (12/20)

Community Building: A publicly owned and operated facility used for meetings, recreation, or education. (5/98)

Comprehensive Plan: The officially adopted City of Keizer Comprehensive Plan, as amended. (5/98)

Conditional Use: A use, which is permitted in a particular zone or elsewhere in this ordinance only after review and approval as a conditional use, including non-conforming" conditional uses. (5/98)

Condominium: A building or group of buildings, broken into separate units with each unit being separately owned, while the parcel on which the building(s) is located is held in a separate ownership. Condominiums are subject to the provisions of ORS 94.004 to 94.480, and 94.991. (5/98)

Conforming: In compliance with the regulations of the Code. (5/98)

Construct [Sign]: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

Corner Lot: See "Lot, Corner." (5/98)

Council: The City Council of Keizer, Oregon. (5/98)

Critical Facility [Flood]: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (12/20)

Day Care Facility: An establishment or place, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians. (5/98)

Decision: The formal act by which the Community Development Director, Hearings Officer, Planning Commission or City Council makes its final disposition of a land use action. (5/98)

Demolish [Historical]: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a resource. (9/18)

Density: The number of dwellings units per gross acre. (5/98)

Develop: To construct or alter a structure; or, to make alterations or improvements to land for the purpose of enhancing its value. (5/98)

Development: Man-made changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. (5/98)

Development [Flood]: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (12/20)

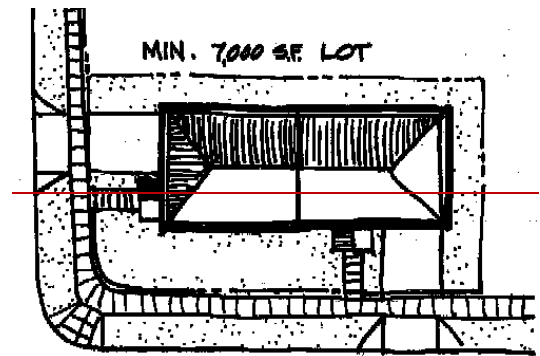
Dormitory: A building, under single management, where group sleeping accommodations are provided for in one room or in a series of closely associated rooms and where meals may be provided. (5/98)

Driveway: A private way used by vehicles and pedestrians to gain access from a public access or right-of-way onto a lot or parcel of land. (5/98)

Drop Station: Vehicles or structures of less than a total of 400 square feet maintained on a lot solely to provide shelter for no more than four types of recyclable material (such as paper, tin cans, plastic and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere. (5/98)

Duplex: See: "Dwelling, Two-Household Family (Duplex)." (5/98)

Dwelling Unit: One or more rooms designed for occupancy by one family household providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. And not having more than one cooking facility. (5/98)

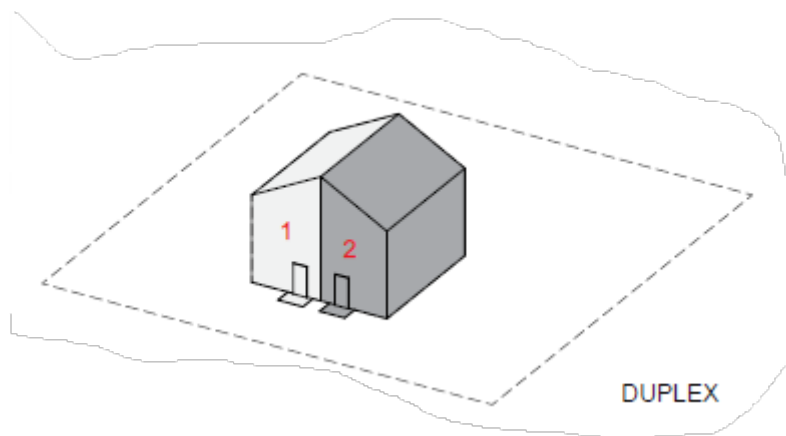


Duplex

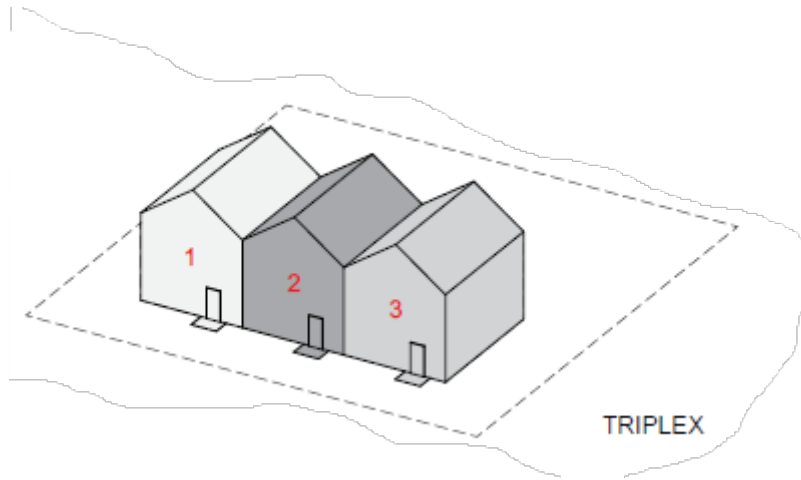
Dwelling, Single-Household (Single Family Detached): A detached building containing one dwelling unit designed exclusively for occupancy by 1 household family. (5/98)

Dwelling, Middle Housing: Refers to housing types required under House Bill 2001 (2019) and OAR 660-046. These housing types include duplexes, triplexes, quadplexes, townhouses, and cottage clusters.

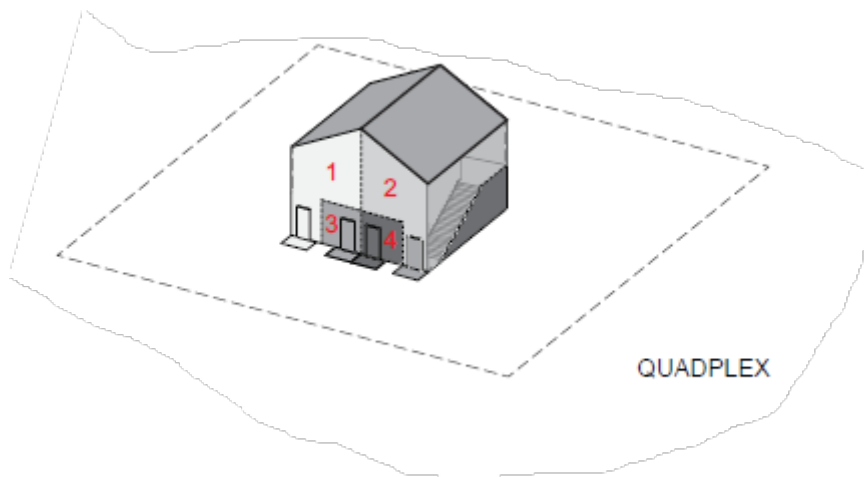
Dwelling, Two-Household Family (Duplex): A detached building ~~on a single parcel or lot~~ containing 2 dwelling units designed exclusively for occupancy by 2 households families living independently of each other. (5/98)



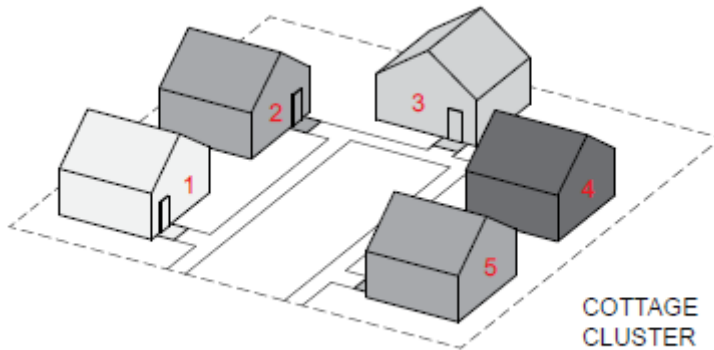
Dwelling, Three-Household (Triplex): A building on a single parcel or lot containing 3 dwelling units designed exclusively for occupancy by 3 households living independently of each other.



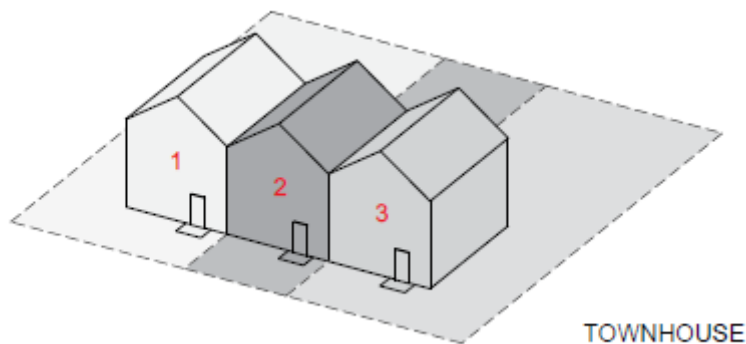
Dwelling, Four-Household (Quadplex). A building containing 4 dwelling units designed exclusively for occupancy by 4 households living independently of each other.



Dwelling, Cottage Cluster: A grouping of no less than four detached buildings per acre designed exclusively for the occupancy of separate households living independently of each other in each detached building, or "cottage". Each building shall have a footprint of less than 900 square feet, and the buildings must be oriented around a common courtyard.



Dwelling, Townhouse: A building on a single parcel or lot containing 1 dwelling unit designed exclusively for occupancy by 1 household that is part of a row of two or more attached dwellings and shares at least one common wall with an adjacent dwelling. A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel. (5/98)

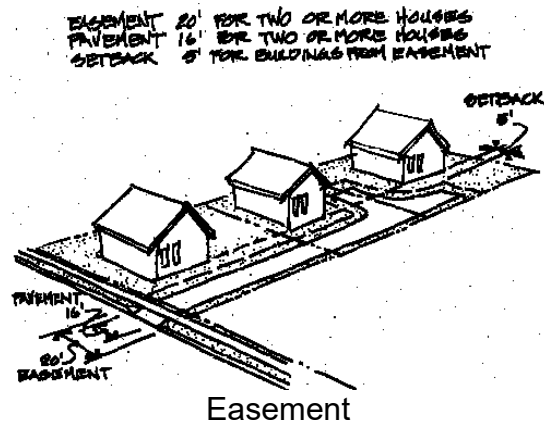


Dwelling, Multi-Household (Multi-Family): A building on a single parcel or lot containing 3 or more dwelling units designed for occupancy by 3 or more households families living independently of each other. (5/98)

Easement: A grant of right to use an area of land for a specific purpose. (5/98)

Employees: All persons, including proprietors, performing work on a premise. (5/98)

Encroachment [Flood]: Any obstruction in the flood plain which affects flood flows. (5/98)



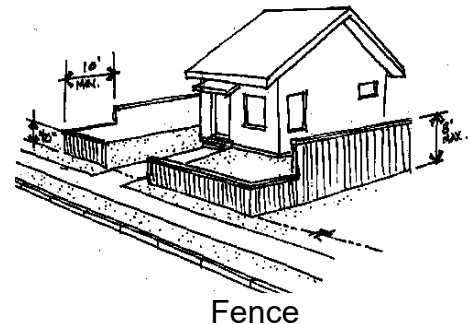
Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or a group of not more than 5 unrelated individuals, living together as a single housekeeping unit. (5/98)

Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider. (5/98)

Farming: The use of land for purposes defined in ORS Chapter 215. (5/98)

Federal Emergency Management Agency (FEMA) [Flood]: The federal organization responsible for administering the National Flood Insurance Program. (5/98)

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic. (5/98)



Fence, Sight Obscuring: A fence arranged or constructed to obstruct vision. (5/98)

Fill [Flood]: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc. (5/98)

Final Decision: A decision made in accordance with, and pursuant to, the provisions of this ordinance, or decisions made by the Land Use Board of Appeals or the Courts, after the applicable appeal periods have expired. (5/98)

Finish Ground Level [Sign]: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest. (5/98)

Flag Lot: See "Lot, Flag." (5/98)

Flashing Sign [Sign]: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use. (5/98)

Flood or Flooding [Flood]:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: (12/20)
 - (1) The overflow of inland or tidal waters. (12/20)
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source. (12/20)
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (12/20)
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition. (12/20)

Flood Insurance Rate Map (FIRM) [Flood]: The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). (12/20)

Flood Insurance Study (FIS) [Flood]: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. (12/20)

Floodplain Management [Flood]: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations. (12/20)

Floodproofing [Flood]: A combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (12/20)

Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway." (12/20)

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces. (5/98)

Forest Use: The use of land for the production of trees; the processing of forest products; open space; water sheds; wildlife and fisheries habitat; vegetative soil stabilization; air and water quality maintenance; outdoor recreational activities or related support services; wilderness; or, livestock grazing. (5/98)

Free-Standing Sign [Sign]: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. (5/98)



Free-Standing Sign

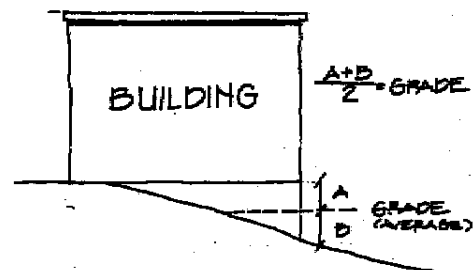
Frontage: That portion of a lot or parcel which abuts a public street. (5/98)

Front Lot Line: See "Lot Line, Front." (5/98)

Functionally Dependent Use [Flood]: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities. (12/20)

Garage: A building, or portion of a building, used for the storage or parking of a vehicle. (5/98)

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation. (5/98)



Grade

Group Living: Characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group typically is

larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational and laundry. Group Living is differentiated into two subcategories based on whether residents receive personal care, training and/or treatment.

- a. Room and board facilities where no personal care, training and/or treatment is provided include examples such as dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.
- b. Long-term facilities where some level of care is provided includes examples such as hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

Exceptions include: (1) Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters. (2) Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category. (12/19)

Habitable Space: A room or space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space. (5/98)

Hearings Action: Those actions where opportunity for a public hearing of a land use action is provided by this Ordinance. (5/98)

Hearings Officer: The person(s) so designated by the Council to conduct a quasi-judicial public hearing for certain land use actions. (5/98)

Highest Adjacent Grade [Flood]: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (12/20)

Historic Structure: Any structure that is: (9/18)

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (9/18)
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (9/18)

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (9/18)
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (9/18)
 - a. By an approved state program as determined by the Secretary of the Interior or (9/18)
 - b. Directly by the Secretary of the Interior in states without approved programs. (9/18)

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Ordinance. Such term does not include the lease or rental of a dwelling unit, the rental of guest rooms on the same premises, or the operation of a day care facility. (5/98)

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms. (5/98)

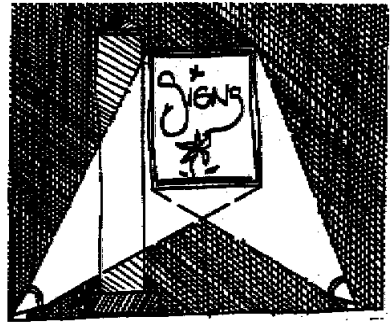
Household Living: Characterized by the occupancy of a residential dwelling unit by a household. Tenancy is arranged on a month-to-month basis or for a longer period. Uses where tenancy may be arranged for a shorter period (i.e., less than one month) are not considered residential; they are considered to be a form of transient lodging (Retail Sales And Service and Community Service use categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living, as are Single Room Occupancy housing (SROs) when at least two thirds of the units are rented on a monthly basis and meals are prepared by the residents.

Examples include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, other structures with self-contained dwelling units, and SROs depending on the number of units rented on a monthly basis and meal preparation.

Exceptions include: (1) Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales And Service category. (2) SROs that contain programs which include common dining are classified as Group Living. (3) Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses. (4) In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter. (12/19)

House of Worship: A church, synagogue, temple, mosque, or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and a residence. (5/98)

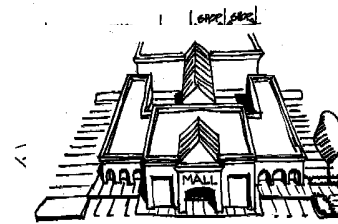
Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

Indirect Illumination [Sign]: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)

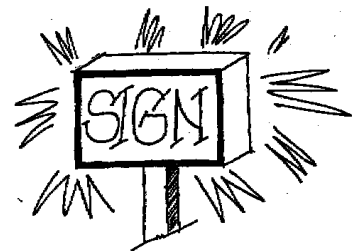
Integrated Business Center [Sign]: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)



Integrated Business Center - Large
Integrated Business Center - Small

Intensification [Greenway]: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

Internal Illumination [Sign]: A source of illumination from within a sign. (5/98)



Internal Illumination

Joint Use Sign [Sign]: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)

Junk: The term "junk" regardless of value, includes but is not be limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used



Joint Use Sign

fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply:

1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)
3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
4. "Waste tire" means a tire that is not longer suitable for its original intended purpose because of wear, damage, or defect. (5/98)
5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. (5/98)

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise. (5/98)

Kenel: Any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training. (5/98)

Land Division: Any partition or subdivision of a lot or parcel. (5/98)

Land Use Action: An amendment to the City of Keizer Comprehensive Plan or this Ordinance, or a decision on a zone change, variance, conditional use, partitioning or subdivision, or administrative permits, including appeals from any of the foregoing decisions. Issuance of a building permit is not a land use action. (5/98)

Landscaped: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways sculpture, trellises, and screens. (5/98)

Legislative Action: A land use action involving amendments to the Comprehensive Plan, the text of this Ordinance, or an amendment to the Comprehensive Plan map or Zoning map involving more than 5 separate property ownerships. (5/98)

Letter of Map Change (LOMC) [Flood]: Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs: (12/20)

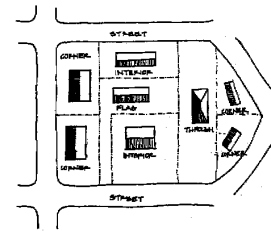
1. **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood. (12/20)
2. **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. (12/20)
3. **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway. (12/20)
4. **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area. (12/20)
5. **Letter of Map Revision (LOMR):** A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report. (12/20)
6. **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. (12/20)
7. **PMR:** A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. (12/20)

Livestock: Domestic animals of types customarily raised or kept on farms for profit or food. (5/98)

Loading Space: An off-street space or berth on the same lot with a building, or group of buildings, used for the parking of a vehicle while loading or unloading merchandise, materials or passengers. Loading space excludes fire lanes, as they are not considered useable space for loading and unloading. (5/98)

Lot: A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning, subdivision ordinances; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning ordinances, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of:

1. Single lot of record;
2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record. (5/98)



Lot Types

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, and exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance. (5/98)

Lot, Corner: A lot abutting on two intersecting streets, other than an alley or private access easement, where the angle of intersecting streets is no greater than 135 degrees. (5/98)

Lot Coverage: Area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area shall not be included in calculating lot coverage. (12/19)

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line. (5/98)

Lot, Flag: A lot or parcel of land with access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership. (5/98)

Lot, Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line. (5/98)

Lot, Interior: A lot other than a corner lot. (5/98)

Lot Line, Front:

A lot line abutting a public street, private street, or access easement. In the case of a corner lot, through lot or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front line is based on the structure's orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or access easement); and/or
- c. Legal street address.

For flag lots and lots with access from an easement, the Zoning Administrator shall have the authority to designate another line as the front lot line in which case it shall be clearly noted on the final plat. (01/02)

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line. (5/98)

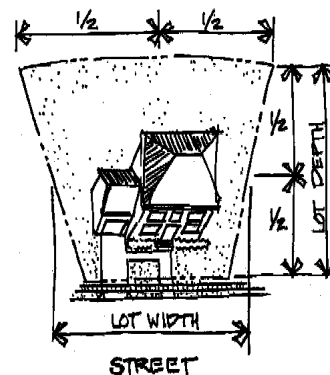
Lot Line, Side: Any property line which is not a front or rear lot line. (5/98)

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Marion County property records. (5/98)

Lot, Through: An interior lot having frontage on two streets. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. (6/07)

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (5/98)

Lowest Floor [Flood]: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (5/98)



Lot Width and Depth

Main Entrance: The principle building entrance intended for the use by the general public, employees or residences. A main entrance door may not be a door that is locked during normal business hours. This entrance is designated the address bearing entrance for the purpose of Emergency Responders. (5/98)

Major Public Improvement [Historical]: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property on a resource site, except for the repair or maintenance of existing public improvements. (9/18)

Manufactured Home: A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976. (5/98)

Manufactured Dwelling [Flood]: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home". (12/20)

Manufactured Dwelling Park or Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale. (12/20)

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on property under the same ownership, the primary purpose of which is to rent or lease space to any person, or, to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance. (5/98)

Marijuana Grow Site: A Marijuana Grow Site that is registered by the Oregon Health Authority Under ORS 475.304 or applicable state law at a specific location used by a grower to produce marijuana for medical use by specific qualifying patients. (10/14)

Marijuana Processor: A Marijuana Processor means a person who processes marijuana items in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Producer: A Marijuana Producer means a person who produces marijuana in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Retailer: A Marijuana Retailer is a person who sells marijuana items to a consumer in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Wholesaler: A Marijuana Wholesaler means a person who purchases marijuana items in this state for resale to a person other than a consumer and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Master Plan: A presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions. (5/98)

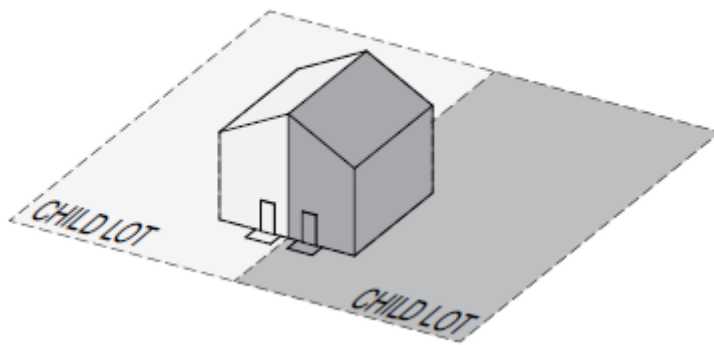
Mean sea level [Flood]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (5/98)

Medical Marijuana Facility or Facilities: A Medical Marijuana Facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 or other applicable state law and that sells, distributes, transmits, gives, dispenses or otherwise provides

Medical Marijuana to qualifying patients. *In addition, as allowed by state law and applicable regulation only, “early sales” of recreational marijuana is permitted.**
 *(THIS AMENDMENT SUNSETS ON DECEMBER 31, 2016 AND IS OF NO FORCE OR EFFECT AFTER SUCH DATE). (10/15)

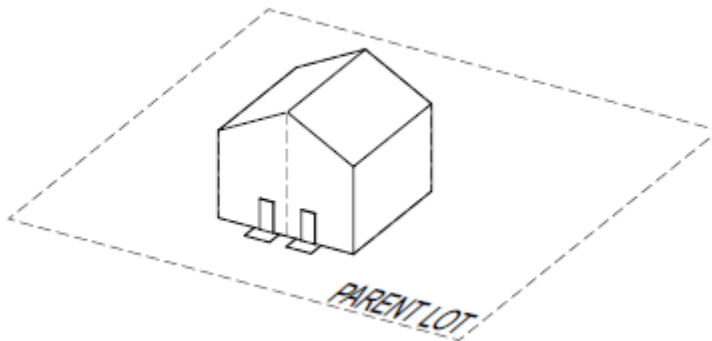
Message Sign [Sign]: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature. (5/98)

Middle Housing Child Lot: A unit of land created from the division of a middle housing parent lot through a middle housing land division for the purpose of having a single dwelling unit per newly created lot or parcel.



Middle Housing Land Division: A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758(2) and the partition or subdivision is processed in accordance with the provisions of ORS Chapter 92 and KDC 3.202. The lot or parcel that is the subject of the land division is referred to as the middle housing parent lot; a lot created by the division is referred to as a middle housing child lot.

Middle Housing Parent Lot: A lot or parcel that is developed, or proposed to be developed, with middle housing, and which may therefore be further divided through a middle housing land division to create middle housing child lots.



Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with the storage of personal property. (5/98)

Mobile Food Vendor: A non-permanent use that typically is a truck, van, or trailer which have their wheels intact and have been outfitted to prepare and serve food. (9/16)

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC). (5/98)

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges. (5/98)



Multi-Faced Sign

Multi-faced Sign [Sign]: A sign which has 2 or more identical sign faces, contained in a single sign structure. (5/98)

~~Multi-family Dwelling [Sign]: A residential structure or complex of structures which include 3 or more separate dwelling units, whether rented or owned by the occupants. (5/98)~~

Mural [Sign]: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure, or, inside the window of a structure. (5/98)

Natural Register Resource: Buildings, structures, object, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470). (9/18)

Neighborhood Activity Center: A use, or combination of uses, which is a common destination or focal point for community activities, including primary and secondary schools, neighborhood parks and playgrounds and shopping centers. (5/98)

Neighborhood Association: An association recognized by the City Council as being a Neighborhood Association in accordance with the Neighborhood Association Ordinance. (5/98)

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance. (5/98)

New Construction [Flood]: Structure(s) for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City of Keizer and includes any subsequent improvements to such structures. (12/20)

Nonconforming Sign [Sign]: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (5/98)

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located. (5/98)

Notification Area: An area bounded by a line, parallel to the boundary of a subject lot. As used in this section "subject lot" includes not only the lot that is the subject of the proceeding for which notice is required, but also includes any contiguous lot in which any applicant or owner of the subject lot has either sole, joint, or common ownership, or an option to purchase, in whatever form. In the event that the application does not apply to the entire lot, the boundary of the notification area shall be measured from the lot line, not the boundary of the portion of the lot. (5/98)

Notification List: A certified list prepared by a Title Company, the Marion County Assessor's Office or the City which includes the names and addresses of all property owners within the notification area as shown in the County Assessor's records. (5/98)

Nudity or nude [Adult]: Being devoid of an opaque material covering the human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola and where such opaque material does not simulate the organ covered. (5/98)

Nursing Home: A home, place or institution which operates and maintains facilities providing convalescent and/or nursing care for period exceeding 24 hours. Convalescent care may include, but is not limited to, the procedures commonly employed in the nursing and caring for the aged and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS. (5/98)

Official Zoning Map: The map which indicates the zones in the City of Keizer. (5/98)

Original Jurisdiction: The authority and responsibility for rendering the first decision in a land use proceeding. (5/98)

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract. (5/98)

Owner [Sign]: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)

Parcel: A unit of land that is created by a partitioning of land. (5/98)

Parking Lot or Area: An open area, building or structure, other than a street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area. (5/98)

Parking Space: A designated space in a parking lot or area for the parking of one motor vehicle. (5/98)

Partial Harvesting of Timber [Greenway]: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe. (5/98)

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or,
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or,
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r). (5/98)

Pedestrian Circulation System: Pedestrian connection(s) between building entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties. (5/98)

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions. (5/98)

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways. (5/98)

Permit (noun): Any action granting permission to do an act or to engage in activity where such permission is required by this Ordinance. (5/98)

Permitted Use: Those uses permitted in a zone that are allowed without obtaining a conditional use permit. (5/98)

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit. (5/98)

Pet: A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, dogs, cats, birds and other small mammals and reptiles, but not including fowl, herd animals, pigs, goats or horses of any type or breed. (5/98)

Place of Public Assembly: Structure or place where 50 or more people gather which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity. (5/98)

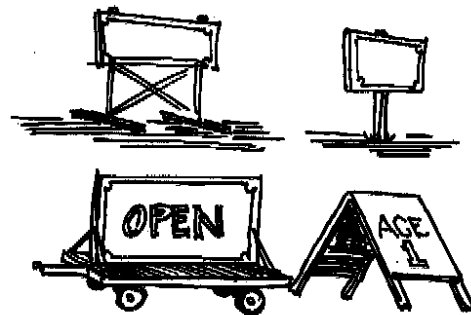
Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan. (5/98)

Planned Unit Development: A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance. (5/98)

Planning Commission: The Planning Commission of Keizer, Oregon. (5/98)

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition. (5/98)

Portable Sign [Sign]: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter. (5/98)



Portable Signs

Primary Building Façade:

Primary building façade means the side of a building that faces the street and has a main pedestrian entrance from the street. (01/02)

Professional Office: An office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, city or regional planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character. (5/98)

Property Line Adjustment: The realignment of a common boundary between two or more abutting lots or parcels which does not involve the creation of a new lot or parcel. (6/16)

Projecting Signs [Sign]: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure. (5/98)



Projecting Sign

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare. These may include, but are not limited to, water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas. (5/98)

Quasi-Judicial Review: A decision affecting land use within the City which requires the interpretation and/or amendment of existing standards or maps contained in this Ordinance. (5/98)

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements. (5/98)

Real Estate Sign [Sign]: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)

Rear Lot Line: See "Lot Line, Rear." (5/98)

Recreational Vehicle [RV Park]: A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. (5/98)

Recreational vehicle includes:

1. Camping Trailer: A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle. (5/98)
2. Motor Home: A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle. (5/98)
3. Travel Trailer: A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits. (5/98)

4. Truck Camper: A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pick-up truck. (5/98)
5. Boat, licensed or unlicensed, including trailer. (5/98)
6. All-terrain vehicle (ATV). (5/98)

Recreational Vehicle [Flood]: A vehicle which is:

1. Built on a single chassis; (12/20)
2. 400 square feet or less when measured at the largest horizontal projection; (12/20)
3. Designed to be self-propelled or permanently towable by a light duty truck; and (12/20)
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (12/20)

Recreational Vehicle Park [RV Park]: Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles. (5/98)

Recreational Vehicle Space [RV Park]: The area under a parked and occupied recreational vehicle. (5/98)

Recycling Depot: A area used for the collection, sorting, and temporary storage of non-putrescible waste and discarded materials which are taken elsewhere to be re-used or recycled. This definition does not include drop stations. (5/98)

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes. (5/98)

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility. (5/98)

Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (5/98)

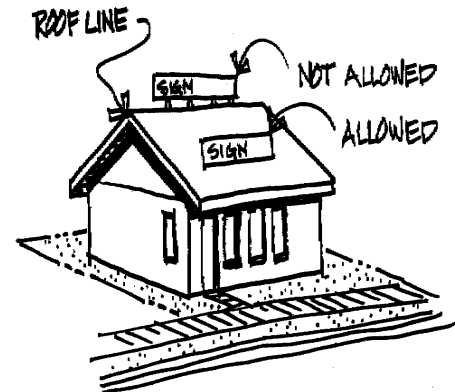
Resource [Historical]: A site, object, building, or structure designated by the Council under Section 2.127.04. (9/18)

Retail Trade: The process of selling to the consumer for direct consumption and not for resale. (5/98)

Right-of-Way: The full length and width of a public street or way, planned or constructed. (5/98)

Roof Line [Sign]: Either the eaves of the roof or the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes. (5/98)

Roof Sign [Sign]: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)



Roof Line & Roof Sign

Rooming and Boarding House: A residential building or portion thereof with guest rooms, providing lodging, or lodging and meals, for 3 or more persons for compensation. (5/98)

Rotating/Revolving Sign [Sign]: A sign, all or a portion of which, moves in some manner. (5/98)

School, Elementary, Middle School, or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education. (5/98)

School, Trade or Commercial: A building where the instruction is given to pupils for a fee, which fee is the principal reason for the existence of the school. (5/98)

Scrap and Waste Materials Establishment: An business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper; brass, rope, rags, batteries, paper, rubber, or debris; waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts (except wrecking yards), iron, steel, or other old scrap metal or non-metal materials. Scrap and waste materials establishments does not include drop stations, solid waste transfer stations, or recycling depot. (5/98)

Semi-Public Use: A structure or use intended for a public purpose by a non-profit organization. (5/98)

Serial additions, alterations or expansions: Two or more additions, alterations or expansions to the existing building gross floor area and/or impervious surface area within a 3-year time period. (12/03)

Service Station: A site and associated buildings designed for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul. "Major repair and overhaul", as used in this definition, shall be considered to

include such activities at painting, bodywork, steam cleaning, tire recapping, and major engine or transmission overhaul or repair involving the removal of a cylinder head or crankcase. (5/98)

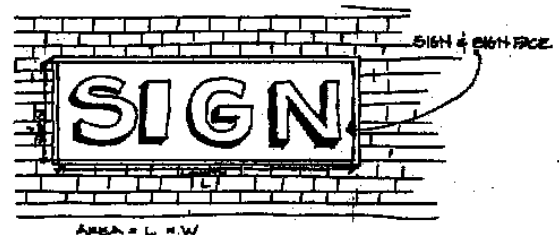
Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure. (5/98)

Shallow Flooding Area [Flood]: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (12/20)

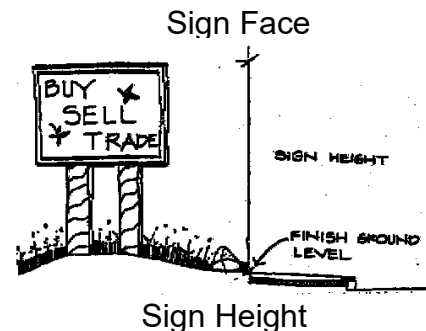
Side Lot Line: See "Lot Line, Side." (5/98)

Sign [Sign]: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)

Sign Face [Sign]: Surface of a sign containing the message. The sign face shall be measured as set forth in Section 15.10(2). (5/98)



Sign Height [Sign]: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)



Sign Structure [Sign]: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

Site, Development, or Complex: A group of structures or other development that is functionally or conceptually integrated, regardless of the ownership pattern of the development or underlying land. (5/98)

Solid Waste Transfer Station: A fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building, hopper, railroad gondola or barge. The term does not include a self-propelled compactor type solid waste collection vehicle into which scooters, pick-ups, small packers or other satellite collection vehicles dump collected

solid waste for transport to a transfer, disposal, landfill or resource recovery site or facility. (5/98)

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant. This definition excludes individual lots within a subdivision. (5/98)

Special Flood Hazard Area [Flood]: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard". (12/20)

Special Permitted Use: A use which is a permitted use in a particular zone subject to compliance with the applicable standards of Section 2.400. (5/98)

Specified sexual activities [Adult]: Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a simulated state, or the characterization thereof in a printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (5/98)

Standard Industrial Classification (SIC): The document so entitled, published in 1987 by the Office Management and Budget, and used in this Ordinance to identify land uses. (5/98)

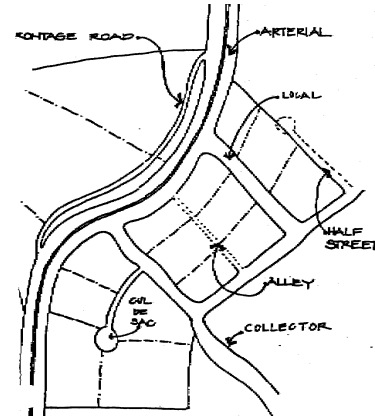
Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement. (5/98)

Start of Construction [Flood]: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (12/20)

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that

portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. Any basement, as defined herein, that is habitable shall be deemed a story for the purpose of administering all fire, life, safety codes including the Uniform Fire Code. (5/98)

Street: The entire width between the boundary lines of every way of travel which provides for ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. Streets shall follow the locally adopted street designations. A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition. (5/98)



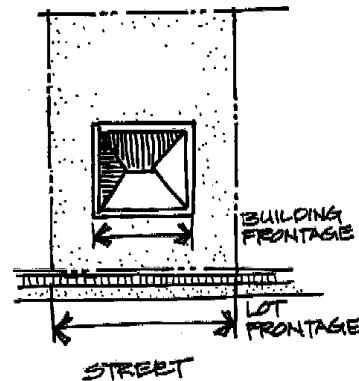
Street Types

1. **Alley:** A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street. (5/98)
2. **Arterial:** A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City. (5/98)
3. **Collector:** A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties. (5/98)
4. **Cul-de-sac (dead-end):** A short street with one end open to traffic and the other terminated by a vehicle turn-around. (5/98)
5. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision of development. (5/98)
6. **Frontage Road, Marginal Access Road:** A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. (5/98)
7. **Local Street:** A street intended primarily for access to abutting properties, but protected from through traffic. (5/98)
8. **Private Access Easement:** A right-of-way across private property granted by the property owner to owners of one or more lots and allowing vehicles access from a street or roadway to those lots. (5/98)

Street Frontage [Sign]: That portion of a property which abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. (5/98)

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. (5/98)



Street & Building Frontage

Structure [Flood]: A walled and roofed building, including a gas or liquid storage tank, that are principally above ground, as well as a manufactured dwelling. (12/20)

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property. (5/98)

Subdivision: All divisions of property which create four or more lots in a single calendar year. (5/98)

Subject Property: The lot or parcel that is the location of the proposed use or structure. (5/98)

Substantial Damage [Flood]: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (12/20)

Substantial Improvement [Flood]: Any reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which has incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions, or (12/20)

2. Any alteration of a “historic structure”, provided, the alteration will not preclude the structure's continued designation as a “historic structure”. (12/20)

Substantial or significant portion [Adult]: More than 10 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 10 percent of the establishment's gross sales per month, whether wholesale or retail, or more than 10 percent of a film or video or live performance. (5/98)

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (12/03)

Temporary Sign [Sign]: A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. (5/98)

Temporary Use: A primary, secondary, or accessory use that occurs on a lot for less than 6 months in any calendar year, or a lesser period as prescribed by this Ordinance. (5/98)

Trailer (Travel or Vacation): See Recreational Vehicle. (5/98)

Transit Facilities: Transit related improvements including, but not limited to, bus pullouts, shelters, waiting areas, information and directional signs, benches and lighting. (5/98)

Transit Route: An existing or planned route for public intra-city or intra-urban transit service in the local or regional transit plan. Transit routes do not include temporary routes or routes which are planned to be replaced or relocated in the relevant plan. Transit routes are also referred to as transit streets and transit corridors. (5/98)

Transit Stop: Improvements and facilities at selected points along transit routes for passenger pick-up, drop-off, and waiting. Facilities and improvements may include shelters, benches, pavement, sign structures and other improvements to provide security, protection from the weather and access to nearby services. (5/98)

Transit Street: All streets designated by the adopted Transportation Plan as a major or minor arterial street plus any street used as an existing bus route. (5/98)

Transmission Facility: High voltage power lines and related support structures used to convey electricity from a power generator facility to electric substations along a line or corridor. (5/98)

Transmission Towers: A single structure and related unoccupied buildings transmitting or relaying electronic signals to the surrounding area or along a communication corridor including radio and television transmitters and microwave relay station. (5/98)

Travel Trailer Parks: Recreational Vehicle Park. (5/98)

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County. (5/98)

Uniform Building Code (UBC): The code of building design and construction standards adopted by the City of Keizer. (5/98)

Use: The purpose for which land or a structure is designed, arranged or intended, or, for which it is occupied or maintained. (5/98)

Utility: See "Public Facilities and Services." (5/98)

Vanpool: A group from 5 to 15 commuters, including the driver, who share the ride to and from work or other destinations on a regularly scheduled basis. (5/98)

Variance [Flood]: A grant of relief by The City of Keizer from the terms of a flood plain management regulation. (12/20)

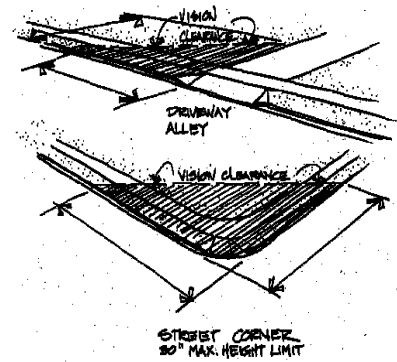
Vegetative Fringe [Greenway]: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

Vehicle: For purpose of this Ordinance vehicle shall have the same meaning as the definition in the rules and regulations of the Oregon Department of Transportation Driver and Motor Vehicle Division. (5/98)

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for domestic animals, including both pets and farm animals, under the direction of a licensed veterinarian. (5/98)

Violation [Flood]: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided. (12/20)

Vision Clearance Area: A triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the face of the curb and extend at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (5/98)



Vision Clearance Area

Wall Sign [Sign]: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign. (5/98)



Wall Sign

Warehouse: A place for the safekeeping of goods and materials for an industrial or commercial enterprise (also see "Mini-Storage Warehouse"). (5/98)

Water-Dependent [Greenway]: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. (5/98)

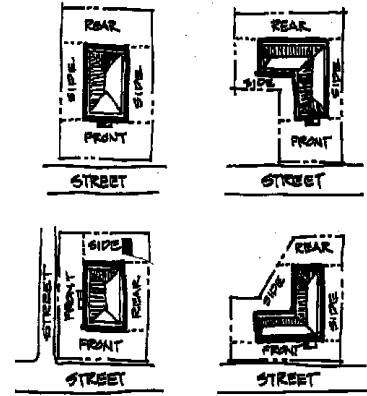
Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

Watercourse [Flood]: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain. (5/98)

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer. (5/98)

Wrecking Yard: Property used for the business of buying, selling or dealing in vehicles and parts for the purpose of wrecking, dismantling, disassembling and offering for sale a used vehicle or components, and is licensed under the laws of the State for that purpose. "Vehicles" include all means of transportation that are registered with the Department of Motor Vehicles. (5/98)

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building; but no structures may encroach on any easement. (12/19)



Yards

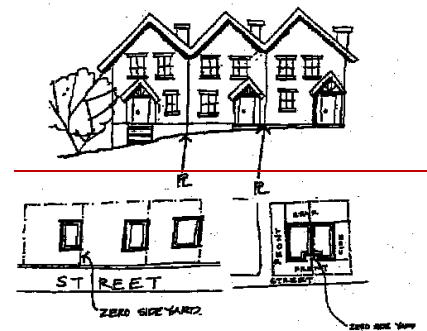
Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Zero Lot Line Wall:

~~Zero lot line wall means any exposed building wall that is constructed along the lot line as part of a zero lot line development and is visible from the public right-of-way or access easement. This definition includes any building wall that may be part of a zero lot line development and set off the property line but closer to the property line than would normally be required by yard or setback requirements of the zone. (01/02)~~

Zero Side Yard Dwelling Unit: An attached or detached dwelling unit constructed contiguous to a side lot



Zero Side Yard Dwelling Unit

2.102 SINGLE FAMILY RESIDENTIAL (RS)

2.102.01 Purpose

The purpose of the RS (Single Family Residential) zone is to allow development of single family and middle housing type homes on individual lots provided with urban services at low urban densities. This zone also allows duplexes, triplexes, quadplexes, townhouses, and cottage cluster housing. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan. (5/98)

2.102.02 Permitted Uses

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

- A. **Detached single family dwelling** ~~on a lot~~. (5/98)
- B. **Duplexes, triplexes, quadplexes, and townhouses.**
- C. **Residential homes.** (5/98)
- D. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- E. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- F. **Child foster home** for five or fewer children. (6/99)

2.102.03 Special Permitted Uses

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

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

~~1. **Duplex on a corner lot (Section 2.403).** (5/98)~~

1. **Shared housing Facilities (Section 2.403).** (5/98)

~~2. **Zero side yard dwelling units (Section 2.404).** (5/98)~~

2. **Cottage Cluster Development (Section 2.432)**

3. **Home occupations (Section 2.407).** (5/98)

4. **Residential sales offices (Section 2.409).** (5/98)

5. **Public golf course (7992) or membership recreation club having golf course (7997) (Section 2.410).** (5/98)

6. **House of Worship (Section 2.423).** (5/98)

7. **Manufactured homes on individual lots (Section 2.402).** (5/98)

8. **Recreational vehicle storage space (Section 2.413).** (5/98)

9. **Electrical substation (Section 2.426)** (5/98)

10. **Wireless Telecommunication Facilities (Section 2.427)** (5/98)

11. **Manufactured home parks (Section 2.405).** (5/98)

12. **Public Water Supply (Section 2.430)** (06/10)

2.102.04 Conditional Uses

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

A. **Elementary schools (Section 2.424).** (5/98)

B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreation facilities; and other public or semi-public uses. (5/98)

C. **Civic, social and fraternal organizations (864).** (5/98)

D. **Day care facility** for 17 or more children consistent with state regulations. (4/16)

E. **Bed and breakfast establishment (Section 2.408).** (5/98)

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

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

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

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

H. **Transit Station (Section 2.429).** (5/09)

~~I. **Cottage Cluster Development with or without the creation of any new lots (Section 2.432).** (6/14)~~

2.102.05 Dimensional Standards

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

A. Minimum Lot Dimension and Height Requirements

DIMENSION	<u>Residential Uses-Single family detached and duplex</u>	<u>Triplex</u>	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Non-Residential Uses
Lot Size	4000 square feet (4)	<u>5000 square feet</u>	<u>7000 square feet</u>	<u>1500 square feet</u>	(2)(1)
Average Width	40 feet	<u>40 feet</u>	<u>40 feet</u>	<u>20 feet (3)</u>	None
Average Depth	70 feet	<u>70 feet</u>	<u>70 feet</u>	<u>70 feet</u>	None
Maximum Height	35 feet	<u>35 feet</u>	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	(32)

~~(1) Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404)-(5/98)~~

(1) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)

(2) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)

(3) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

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

- (1) ~~*Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404.*~~ (5/98)
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story building home; 20 feet for a 2-story building home. The rear yard setback for cottage clusters shall be 10 feet.* (5/98)
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)
- (5) *The minimum front setback from an access easement shall be ten (10) feet.* (10/15)

- C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.102.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)

- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RS zone shall comply with the following standards: (5/98)
1. Single family ~~detached dwellings homes~~, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with ~~five~~ four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** When RS zoned property is subdivided the minimum density shall be 4 units per acre; the maximum density shall be 8 units per acre for single family detached or 25 units per acre for townhouses. The maximum density does not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/16)
- ~~J. **Number of Buildings.** No more than one primary building shall be located on a lot or parcel. (5/98)~~
- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.103 LIMITED DENSITY RESIDENTIAL (RL)

2.103.01 Purpose

The RL (LIMITED DENSITY RESIDENTIAL) zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. RL zones are located in areas designated Medium Density Residential, and, Medium and High Density Residential in the Comprehensive Plan and provided with urban services. RL zones will generally abut a collector or arterial street so that traffic is not required to travel through lower density residential neighborhoods. (01/02)

2.103.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Duplexes, triplexes, quadplexes, and townhouses.**
- D. **~~Buildings with two or more dwelling units~~ Multi-family dwellings**. (5/98)
- E. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- F. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- G. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

2.103.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)

E. The following special uses subject to the applicable standards in Section 2.4:

1. **Shared housing facilities** (Section 2.403). (5/98)
2. **Cottage Cluster Development** ~~without the creation of any new lots~~ (Section 2.432). (06/14)
- ~~3. **Zero side yard dwelling units** (Section 2.404). (5/98)~~
3. **Home occupations** (Section 2.407). (5/98)
4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **House of Worship** (Section 2.423). (5/98)
7. **Boat and RV storage area** (Section 2.411). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
9. **Recreational vehicle storage space** (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)
12. **Manufactured home parks** (Section 2.405). (5/98)

2.103.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)

- F. **Rooming and boarding houses (702).** (5/98)
- G. **Water supply (494).** (5/98)
- H. **Child foster home** for six, seven or eight children, providing such home:
 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 2. Be located on a lot of no less than 16,000 square feet;
 3. The lot shall be located on an arterial or major collector street;
 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

- ~~I. **Cottage Cluster Development with the creation of new lots (Section 2.432).** (6/14)~~

2.103.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>Detached and Duplex</u>	<u>Triplex Duplex</u>	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Multi-Family	Non-Residential
Lot Size	4000 sq. ft. (1)(2)	7000 <u>5000</u> sq. ft.	<u>7000 sq. ft.</u>	<u>1500 sq. ft.</u>	10000 sq. ft. (1)	(2)
Average Width	40 feet	50 <u>40</u> feet	<u>40 feet</u>	<u>20 feet (4)</u>	50 feet	None
Average Depth	70 feet	80 <u>70</u> feet	<u>70 feet</u>	<u>70 feet</u>	80 feet	None
Maximum Height	35 feet	35 feet	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	35 feet	(23)

- ~~(1) Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)~~
- ~~(2) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)~~
- (1) Multi-family development must comply with the density standard in Section 2.103.06.I. (5/98)
- (2) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (3) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)
- (4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

SETBACKS	Single Family ₁ <u>Duplex,</u> <u>triplex,</u> <u>quadplex,</u> <u>cottage</u> <u>cluster (6)</u>	Duplex	Multi-Family	Non-Residential
Front	10 feet (5)	10 feet (5)	10 feet	20 feet
Side	5 feet (1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) ~~*Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404.*~~ (5/98)
- (2) ~~*The rear yard setback shall be as follows: 14 feet for a 1-story **for a single family home, duplex, or multi-family** building; 20 feet for a 2-story **single family home, duplex, or multi-family** building. The rear yard setback for cottage clusters shall be 10 feet. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to property lines.*~~ (6/07)
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)
- (5) *The minimum front setback from an access easement shall be ten (10) feet.* (10/15)

2.103.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RL zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings ~~homes, duplexes, triplexes, quadplexes, cottage clusters, and townhouses~~ shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with ~~four~~ five or more attached dwelling units, ~~including Cottage Cluster Development~~, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75% Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RL zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and 25 units per acre for townhouses. (5/98)
 - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. (5/98)

3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters.

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.01 Purpose

The RM (MEDIUM DENSITY RESIDENTIAL) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas. (5/98)

2.104.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Duplexes, triplexes, quadplexes, and townhouses.**
- C. **Residential homes and facilities.** (5/98)
- D. **~~Buildings with two or more dwelling units~~ Multi-family dwellings.** (5/98)
- E. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- F. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- G. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

2.104.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. **Transit Facilities** (Section 2.305). (5/09)

- F. The following special uses subject to the applicable standards in Section 2.4:
1. **Shared housing facilities** (Section 2.403). (5/98)
 - ~~2. **Zero side yard dwelling units** (Section 2.404). (5/98)~~
 2. **Cottage Cluster Development** ~~without the creation of any new lot~~ (Section 2.432) (6/14)
 3. **Home occupations** (Section 2.407). (5/98)
 4. **Bed and breakfast** establishments (Section 2.408). (5/98)
 5. **Residential sales offices** (Section 2.409). (5/98)
 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 7. **House of Worship** (Section 2.423). (5/98)
 8. **Boat and RV storage area** (Section 2.411). (5/98)
 9. **Manufactured home parks** (Section 2.405). (5/98)
 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 11. **Accessory commercial uses** (Section 2.416). (5/98)
 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
 13. **Electrical substation** (Section 2.426). (5/98)
 14. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

2.104.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)

F. **Water supply (494).** (5/98)

G. **Child foster home** for six, seven or eight children, provided such home:

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

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

H. **Transit Station (Section 2.429).** (5/09)

I. **Residential Care Facilities for more than 15 residents or uses noted in SIC 805 (Nursing and Personal Care Facilities) (Section 2.431)** (6/11)

~~J. **Cottage Cluster Development with the creation of new lots (Section 2.432).** (6/14)~~

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>Detached and Duplex</u>	Duplex <u>Triplex</u>	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Multi-Family	Non- Residential
Lot Size	4,000 sq. ft.	6,000 <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	<u>1,500 sq. ft.</u>	9,000 sq. ft. (1)	(2)
Average Width	40 feet	<u>40</u> 50 feet	<u>40 feet</u>	<u>20 feet (4)</u>	50 feet	None
Average Depth	70 feet	<u>70</u> 80 feet	<u>70 feet</u>	<u>70 feet</u>	80 feet	None
Maximum Height	35 feet	35 feet	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	<u>35 45 feet</u>	(3)

~~(1) Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)~~

~~(2) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)~~

(1) Multi-family development must comply with the density standard in Section 2.104.06.I. (5/98)

(2) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)

(3) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)

(4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

SETBACKS	Single Family, <u>Duplex,</u> <u>Triplex,</u> <u>Quadplex,</u> <u>Cottage</u> <u>Cluster, and</u> <u>Townhouse</u>	Duplex (6)	Multi-Family	Non- Residential
Front	10 feet (5)	10 feet (5)	10 feet	20 feet
Side	5 feet (1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) ~~*Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404.*~~ (5/98)
- (2) ~~*The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. The rear yard setback for cottage clusters shall be 10 feet. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines.*~~ (06/07)
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)
- (5) *The minimum front setback from an access easement shall be ten (10) feet.* (10/15)

C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.104.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings, homes duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 - 2. Multi-family units, including Cottage Cluster Development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and multi-family, and 25 units per acre for townhouses. (5/98)
 - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be

22 units per acre for single family detached and 25 units per acre for townhouses. (5/98)

3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters.

- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.105 HIGH DENSITY RESIDENTIAL (RH)

2.105.01 Purpose

The RH (HIGH DENSITY RESIDENTIAL) zone is specifically intended for multiple family dwellings on a parcel at high residential densities. Other uses compatible with residential development are also appropriate. RH zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan and will generally have direct access to a collector or arterial street. RH zoned land is also suited to locations adjacent to commercial or industrial uses and is generally buffered from, or not located adjacent to, single-family residential areas. (5/98)

2.105.02 Permitted Uses

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

- A. **Any combination of dwellings**, attached or detached. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home for five or fewer children**. (6/99)

2.105.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 - ~~1. **Zero side yard dwelling** units (Section 2.404). (5/98)~~
 - 1. **Cottage Cluster Development** ~~without the creation of any new lots~~ (Section-2.432). (6/14)

2. **Home occupations** (Section 2.407). (5/98)
3. **Bed and breakfast** establishments (Section 2.408). (5/98)

4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **Boat and RV storage area** (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
9. **Accessory commercial uses** (Section 2.416). (5/98)
10. **Recreational vehicle storage space** (Section 2.413). (5/98)
11. **Electrical substation** (Section 2.426). (5/98)
12. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

2.105.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, providing such home:
 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 2. Be located on a lot of no less than 16,000 square feet; The lot shall be located on an arterial or major collector street;
 3. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
 4. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;

5. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
6. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
7. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

~~H. Cottage Cluster Development with the creation of new lots (Section 2.432). (6/14)~~

2.105.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential (<u>Except quadplex, cottage clusters, and townhouse</u>)	<u>Quadplex, Cottage Clusters</u>	<u>Townhouse</u>	Non-Residential
Lot Size	6,000 sq. ft. (1)	<u>7,000 sq. ft.</u>	<u>1,500 sq. ft.</u>	(2)
Average Width	50 feet	<u>50 feet</u>	<u>20 feet (45)</u>	None
Average Depth	80 feet	<u>80 feet</u>	<u>80 feet</u>	None
Maximum Height	(3)	<u>(3)</u>	<u>(3)</u>	(3)

(1) *Multi-family development must comply with the density standard in Section 2.105.06.I. (06/07)*

(2) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*

- (3) No limit except for cottage cluster (25 feet) - Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (5/98)

- (4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

SETBACKS	Residential	Non-Residential
Front	10 feet	20 feet
Side	10 feet (1)	10 feet
Rear	(12)	20 feet
Street-side (23)	10 feet	20 feet
Garage entrance (34)	20 feet (34)	20 feet (34)

- (1) Townhouses may have zero-side yard setbacks for interior lot lines

- (2) The rear yard setback shall be as follows: 14 feet for a one-story building, and 20 feet for a two-story building. The rear yard setback for cottage clusters shall be 10 feet. Setbacks are to be measured from the architectural rear of the building regardless of the building orientation to the property lines. (06/07)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.105.06 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RH zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings, ~~homes~~ duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four five or more attached dwelling units, including cottage cluster development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** The minimum development density shall be 16 units per acre; there shall be no maximum density. (5/98)

2.107 MIXED USE (MU)

2.107.01 Purpose

The Mixed Use (MU) zone promotes development that combines differing uses (permitted or special permitted) in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (4/08)

The Mixed Use zone is intended to include a variety of uses identified in this section in relative close proximity to each other as compared to a traditional zone district in which differing uses are segregated. Vertical mixed use is a building in which significant amounts of differing uses are located in the same building with different uses on different floors. While mixed use development is primarily intended to consist of retail or other businesses on the ground floor with housing or office uses on upper stories it is not required that every building within a mixed use area is developed with different uses within it. Clusters of residential and commercial uses around landscaping features or parking areas will also occur. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. (4/08)

The Mixed Use zone is suitable for the Medium Density Residential, Medium-High Density Residential and Mixed Use Comprehensive Plan designations. (5/98)

2.107.02 Permitted Uses

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

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)

- F. **Public or private utility substation**, but excluding electrical substation. (5/98)
- G. **Landscape counseling and planning (078)**. (5/98)
- H. **Transportation, Utilities and Communication**. (5/98)

- 1. **Travel agency (4722)**. (5/98)
- 2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)
- 3. **Public utility** structures and buildings. (5/98)
- 4. Transit Facilities (Section 2.305). (5/09)

I. **Retail Trade:**

Except as allowed under Section 2.107.05.B, the following retail uses shall be limited to buildings of 10,000 square feet or less:

- 1. **General merchandise stores (53)**. (4/08)
- 2. **Food stores (54)**. (4/08)
- 3. **Apparel and accessory stores (56)**. (4/08)
- 4. **Home furnishing, appliance and equipment stores (57)**. (4/08)
- 5. **Eating and drinking places (58)**. (4/08)
- 6. **Retail, (59) BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (4/08)
- 7. Uses listed in 2.107.02.I. through 7 if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (10/15)

J. **Business, Professional and Social Services:** The following business and professional and service oriented uses are allowed:

- 1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67)**. (5/98)
- 2. **Hotels, motels and lodging facilities (701)**. (5/98)
- 3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial laundries (7218). (5/98)

4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
 5. **Watch, clock and jewelry repair (763).** (5/98)
 6. **Recreational or athletic clubs.** (5/98)
 7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
 8. **Legal services (81).** (5/98)
 9. **Miscellaneous services (89).** (5/98)
 10. **Community or neighborhood clubs.** (5/98)
 11. **Parking lots.** (5/98)
 12. **Pet Grooming** (6/01)
 13. **Veterinary Services (Section 2.414)** (6/15)
- K. **Public administration (91 - 97).** (5/98)

2.107.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities (Section 2.403).** (5/98)
 - ~~2. **Zero side yard dwelling units (Section 2.404).** (5/98)~~
 2. **Home occupations (Section 2.407).** (5/98)
 3. **Bed and breakfast establishments (Section 2.408).** (5/98)
 4. **Residential sales offices (Section 2.409).** (5/98)

5. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
6. **Boat and RV storage** area (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Recreational vehicle storage** space (Section 2.413). (5/98)
9. **Electrical substations** (Section 2.426). (5/98)
10. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
11. **Cottage Cluster Development** ~~without the creation of any new lots~~ (Section 2.432). (6/14)
12. **Mobile Food Vendor** (Section 2.434). (7/17)

2.107.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (5/09)
- ~~C. Cottage Cluster Development with the creation of new lots (Section 2.432). (6/14)~~

2.107.05 Use Restrictions

- A. The following uses are not permitted: (4/08)
 1. Farm Use. (5/98)
 2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
 3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (4/08)
 4. Camping or over-night in parking lots. (4/08)
 5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)
- B. Retail uses as set forth in Section 2.107.02(I) are limited to buildings not exceeding 10,000square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (4/08)

1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (4/08)
 2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (4/08)
 3. In addition to the requirements in Section 2.315.06, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (10/15)
 4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (4/08)
 5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (4/08)
 6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (4/08)
 7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (4/08)
 8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (4/08)
- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (4/08)

D. Larger Format Stores.

1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (4/08)
2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (4/08)
3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (4/08)

E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (10/18)

F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan or Master Plan Amendment requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (10/18)

G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (4/08)

1. Pedestrian Access, Safety and Comfort (4/08)
 - a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (4/08)
 - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (4/08)

- c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (4/08)
- d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (4/08)
- e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (4/08)
- f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

2. Vehicular Movement (4/08)

- a. Encourage traffic to enter and exit the development at locations in a safe manner. (4/08)

3. Crime Prevention and Security (4/08)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (4/08)

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (4/08)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (4/08)

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (4/08)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (4/08)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

4. Reduced Parking (4/08)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (4/08)

5. Creating and Protecting Public Spaces (4/08)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (4/08)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (4/08)

6. Human Scaled Building Design (4/08)

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (4/08)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

In addition, the provisions within Section 3.113 apply. (10/18)

- H. Proposals to develop properties in RCOD are subject to use regulations in Section 2.130. (12/19)

2.107.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>and Duplex</u>	<u>Triplex</u>	<u>Duplex</u> Multi-Family	<u>Quadplex</u> <u>and</u> <u>Cottage</u> <u>Clusters</u>	<u>Townhouse</u>	Commercial <u>and Mixed</u> <u>Use</u>
Lot Size	4,000 sq. ft. (1)	<u>5,000</u> <u>sq. ft.</u> (1)	6,000 sq. ft. (1) (2)	<u>7,000 sq.</u> <u>ft.</u>	<u>1,500 sq. ft.</u>	None (23)
Average Width	40 feet	<u>40 feet</u>	<u>40</u> 50 feet	<u>40 feet</u>	<u>20 feet (4)</u>	None
Average Depth	70 feet	<u>70 feet</u>	<u>70</u> 80 feet	<u>70 feet</u>	<u>70 feet</u>	None
Maximum Height	35 feet	<u>35 feet</u>	50 feet	<u>35 feet</u> <u>Cottages:</u> <u>25 feet</u>	<u>35 feet</u>	50 feet (3)

~~(1) — A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)~~

(1) Multi-family development must comply with the density standard in Section 2.107.07.1 (06/07)

(2) Parcel size shall be adequate to contain all structures within the required yard setbacks. (06/07)

(3) Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. (4/08)

(4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements (12/19)

SETBACKS (4)	Single Family, Duplex, Triplex, Quadplex, Townhouse, or Cottage Cluster	Multi-Family	Commercial	Mixed Use
Front	10 feet (6)	10 feet	10 feet	10 feet
Side	5 feet (1)	10 feet	(3)	(3)
Rear	(2)	(2)	(3)	(3)
Street-side	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet	20 feet	20 feet	20 feet

- (1) ~~Townhouses may have zero-side yard setbacks for interior lot. Zero-side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)~~
- (2) ~~The rear yard setback shall be as follows: 14 feet for a 1-story single-family home, duplex or multi-family building; 20 feet for a 2-story single-family home, duplex, or multi-family building. The rear yard setback for cottage clusters shall be 10 feet. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines. (06/07)~~
- (3) ~~The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)~~
- (4) ~~Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)~~
- (5) ~~The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)~~
- (6) ~~The minimum front setback from an access easement shall be ten (10) feet. (10/15)~~

- C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.107.07 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
1. Single family ~~homes detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster developments~~ shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with ~~four~~ five or more attached dwelling units ~~including Cottage Cluster Developments~~, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)
- | | |
|---|-----|
| Commercial development: | 15% |
| Mixed commercial and residential development: | 20% |
| Residential development: | 25% |

- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

Commercial development:	85%
Mixed commercial and residential development:	80%
Residential development <u>(Except Cottage Clusters):</u>	75%

- I. **Density:**

1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units per acre for single family detached and 25 units per acre for townhouses, except there shall be no maximum density for duplexes, triplexes, quadplexes, and cottage clusters, and there shall be no minimum residential density requirement for multi-family development within a mixed use building. (12/03)

~~The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (05/98)~~

- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.130 RIVER-CHERRY OVERLAY DISTRICT (RCOD)

2.130.01 Purpose

The purpose of the River-Cherry Overlay District (RCOD) is to implement the land use principles of the Keizer Revitalization Plan, dated November 18, 2019. The RCOD is intended to promote efficient use of land and urban services; create a mixture of land uses that encourages employment and housing options in close proximity to one another; and encourage pedestrian-oriented development. This zone is intended to be accessible to pedestrians and bicyclists, as well as people using automobiles. (12/19)

2.130.02 Boundaries of the River-Cherry Overlay District

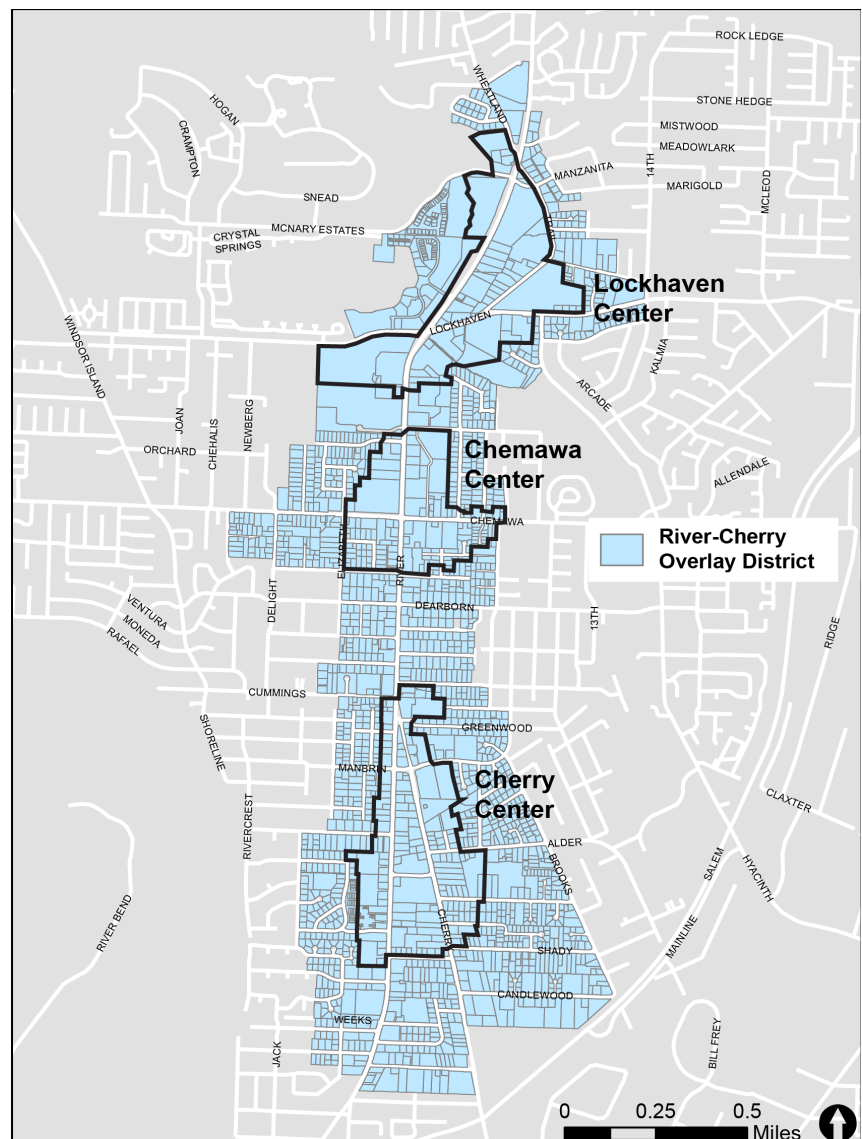
The boundaries of the RCOD, and boundaries of the three Centers sub-districts, are shown in Figure 2.130.02-1. (12/19)

Figure 2.130.02-1: River-Cherry Overlay District (RCOD)

2.130.03 Applicability

A. The provisions of this Section shall apply to all lands located within the boundaries of the RCOD illustrated in Figure 2.130.02-1. The three Centers sub-districts of the RCOD are illustrated in Figure 2.130.02-1 and are established as follows: (12/19)

1. Lockhaven Center – Extends from approximately McNary Heights Drive N at the north to Rose Park Lane NE at the south; and from approximately Lakefair Place N at the west



to Crestwood Court NE at the east. The intersection of River Road N and Lockhaven Drive N is intended to be the center of activity within Lockhaven Center. (12/19)

2. Chemawa Center – Extends from approximately Claggett Street NE at the north to James Street NE at the south; and from approximately Elizabeth Street N at the west to Bailey Road NE at the east. The intersection of River Road N and Chemawa Road N is intended to be the center of activity within Chemawa Center. (12/19)
3. Cherry Center – Extends from approximately Dietz Avenue NE at the north to Bever Drive NE at the south; and from approximately 3rd Avenue N at the west to Partridge Lane NE at the east. The intersection of River Road N and Cherry Avenue NE and Sam Orcutt Way is intended to be the center of activity within Cherry Center. (12/19)

B. The provisions of the RCOD shall apply as follows.

1. They shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure and parcel of land on which it is located, unless otherwise specified by the provisions in this Section, and with the following exceptions. (12/19)
 - a. Interior remodels which do not change the exterior of the building or increase its floor area or building footprint. (12/19)
 - b. Replacement of equipment needed to operate an existing use, such as but not limited to commercial kitchen equipment, HVAC equipment, plumbing or electrical fixtures. (12/19)
 - c. Maintenance required to maintain the structural integrity of the building such as but not limited to replacement of a roof. (12/19)
2. Applications for new construction or major renovation in the RCOD are subject to City review as provided in KDC Section 3.101, and to the standards and guidelines in Sections 2.130.04 through 2.130.10. (12/19)

C. The RCOD replaces selected development standards in the underlying zoning districts, as set forth in Section 2.130.05. (12/19)

2.130.04 Uses

A. Permitted Uses

1. The uses in Table 2.130.04-1 are permitted in the Mixed Use (MU) zone within the RCOD. All other zones remain unchanged. (12/19)
2. Uses that are identified as permitted in the MU zone (Section 2.107.02 through 2.107.04) are permitted in the MU zone within the RCOD, EXCLUDING commercial parking lots that are surface lots. (12/19)
3. Uses that are not listed in Table 2.130.04-1 and that the Zoning Administrator determines to be similar to the uses in Table 2.130.04-1 or consistent with the RCOD Purpose statement (Section 2.130.01) are permitted. (12/19)

Table 2.130.04-1: Uses Permitted in the RCOD (12/19)

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Residential		
Household Living	P/S	Such as buildings with one or more dwelling units. Special Use provisions apply to shared housing facilities (Sections 2.403 and 2.130.05.C), zero-side yard dwelling units (Section 2.404) , cottage clusters (Section 2.432), and home occupations (Section 2.407).
Group living	P/S	Such as residential homes and facilities. Special Use provisions apply to nursing and personal care facilities (Section 2.431).
Commercial		
Commercial Lodging	P/S	Such as hotels and motels. Special Use provisions apply to bed and breakfast establishments (Section 2.408).
Commercial Recreation and Entertainment	P	Such as athletic clubs and movie theaters.

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Commercial Parking	P	Only parking structures.
Day Care Facility	P	
Durable Goods Sales	P	Such as home improvement, home furnishing, and appliance stores.
Eating and Drinking Establishments	P	
Health Care Offices	P	
Marijuana Facilities	S	Such as medical marijuana facilities and marijuana retailers. Special Use provisions apply (Section 2.433).
Offices	P/S	Such as finance, legal, and other professional businesses. Special use provisions apply to veterinary services (Section 2.414)
Retail Sales and Services	P/S	Such as food, apparel, hardware, and auto supply stores. Special Use provisions apply to used merchandise stores (Section 2.417), mobile food vendors (Section 2.434), funeral services (Section 2.415), and adult entertainment businesses (Section 2.418). Additional development standards apply to auto-oriented sales and services in RCOD Centers (Section 2.130.09(B)(4)).
Quick Vehicle Servicing	C	Such as gasoline service stations. Service stations consistent with Section 2.110.04.C are Conditional Uses. Additional development standards apply to auto-oriented services in RCOD Centers (Section 2.130.09(B)(4)).

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Industrial		
Light Manufacturing	C	Craft industries are Conditional Uses subject to the provisions in Section 2.421.
Institutional		
Assembly Facilities	P/S	Such as social and civic organizations. Special Use provisions apply to places of worship (Section 2.423).
Community Services	P	Such as public administration buildings.
Educational and Research Facilities	P	Such as schools, vocational schools, educational services, and laboratories.
Medical Centers	P	Such as clusters of health care offices, surgicenters or day surgery facilities (not a hospital).
Infrastructure/Utilities		
Parks and Open Space	P	Such as parks, plazas, playgrounds, and community clubs.
Public Safety Facilities	P/C	Such as police stations. Fire and ambulance stations are Conditional Uses subject to general Conditional Use criteria in Section 3.103.03.
Public Utility Structures	P/S	Such as substations. Special Use provisions apply to electrical substation (Section 2.426).

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Transportation Facilities	S/C	Special Use provisions apply to transit facilities (stops) (Section 2.305). Transit stations (centers) are Conditional Uses subject to the provisions in Section 2.429.
Wireless Communications Facilities	S	Special Use provisions apply (Section 2.427).

B. Prohibited Uses

The following uses are prohibited in the Mixed Use zone of the RCOD. This prohibition does not apply to any legally established use as of the date of the adoption of this Ordinance. (12/19)

1. Farm uses. (12/19)
2. Rendering, processing, and/or cleaning of food products for wholesale use. (12/19)
3. Outdoor storage or display whose impacts are not mitigated for consistent with Section 2.107.05.B.7. (12/19)
4. Camping and overnight parking in parking lots. (12/19)
5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)

2.130.05 Dimensional and Development Standards

The following subsections indicate dimensional standards and development standards required in the RCOD. These standards supplement, and in some cases replace, the development standards in the underlying zoning districts. Where the standards set forth in this Section conflict with standards in the underlying zoning districts, the RCOD development standards set forth in this Section shall control. (12/19)

Section 2.130.09 provides dimensional and development standards for Centers. For properties located within Centers, the standards of Section 2.130.09 shall supersede the standards of this section. (12/19)

A. Dimensional Standards

1. Minimum Lot Dimension Requirements (12/19)

Table 2.130.05-1: Minimum Lot Size and Average Width Standards, by Development Type

Zone	Dimension	Single Family Attached Townhouse	Single Family Detached and Duplex	Triplex Duplex	Quadplex and Cottage Cluster	Multi-Family
MU	Lot Size	2,000 <u>1,500</u> sq. ft.	3,000 sq. ft.	4,000 <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	None (use density only)
	Average Width	20 feet	30 feet	40 <u>30</u> feet	<u>30 feet</u>	(defer to underlying zone)
RM	Lot Size	2,500 <u>1,500</u> sq. ft.	3,000 sq. ft.	4,000 <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	None (use density only)
	Average Width	25 <u>20</u> feet	30 feet	40 <u>30</u> feet	<u>30 feet</u>	(defer to underlying zone)
RS	Lot Size	3,000 <u>1,500</u> sq. ft.	3,500 sq. ft.	5,000 sq. ft. (1)	<u>7,000 sq. ft.</u>	N/A
	Average Width	30 <u>20</u> feet	35 feet	50 <u>35</u> feet (1)	<u>35 feet</u>	N/A

(1) Duplexes are only permitted on corner lots, per Sections 2.102.03 and 2.403.

B. Development Standards

1. Minimum Landscaping and Maximum Lot Coverage

The minimum landscaping and maximum lot coverage standards are provided in the following table. Minimum landscaping for a property shall include all required yards. Landscaped areas shall be landscaped as provided in Sections 2.309 and 2.130.06. Maximum lot coverage shall include all buildings, accessory structures, and paved parking areas. (12/19)

Table 2.130.05-2: Minimum Landscaping and Maximum Lot Coverage Standards

Zone	Minimum Landscaping	Maximum Lot Coverage (1)
MU	Commercial: 10% Mixed Use: 15% Residential: 15%	Commercial: 90% Mixed Use: 85% Residential: 85%
RM	15%	85%
RS	15%	85%

(1) Lot coverage standards do not apply to cottage cluster development.

2. Residential Density

The minimum and maximum density for subdivisions, partitions, multi-family or any residential development shall be as follows: (12/19)

Table 2.130.05-3: Minimum and Maximum Residential Density Standards

Zone	Minimum Density (1)	Maximum Density (1)
MU	12 units per acre (2)	28 units per acre (4)
RM	8 or 10 units per acre (3)	14 or 24 units per acre (3)(4) <u>25 units per acre for townhouses</u>
RS	6 units per acre	10 units per acre (4) <u>25 units per acre for townhouses</u>

- (1) *Accessory residential housing units are included in the minimum density calculations but are not included in the maximum density calculations. (7/21)*
- (2) *There shall be no minimum residential density requirement for multi-family development within a mixed use building.*
- (3) *For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 10 units per acre; the maximum density shall be 24 units per acre.*
- (4) *Maximum density does not apply to duplexes, triplexes, quadplexes, or cottage cluster housing.*

3. Off-Street Automobile Parking Requirements(12/19)

a. Applicability (12/19)

- i. The provisions of this Section shall apply to new development or redevelopment in the RCOD, as defined in Section 2.130.03. (12/19)
- ii. A change in the use of a building or structure from one permitted use to another permitted use shall not require additional parking spaces otherwise required for new development or redevelopment under the provisions of Section 2.130.05.3.b or of Section 2.303. (12/19)

b. Off-Street Automobile Parking Requirements^(12/19)

Off-street parking shall be provided in the amount not less or more than the minimum and maximum amounts listed below.
(12/19)

Table 2.130.05-4: Minimum and Maximum Off-Street Parking Requirements

LAND USE ACTIVITY	SPACES REQUIRED
Recreation Facility	Minimum: 1 space per 300 square feet Maximum: 1 space per 133 square feet
Personal Services	Minimum: 1 space per 400 square feet Maximum: 1 space per 233 square feet
Retail	Minimum: 1 space per 400 square feet Maximum: 1 space per 200 square feet
Eating/Drinking Establishment	Minimum: 1 space per 200 square feet Maximum: 1 space per 83 square feet
Single Family, and Duplex, <u>Triplex, Quadplex,</u> <u>Townhouse, Cottage Cluster</u>	Minimum: 1 per dwelling unit Maximum: 3 spaces per dwelling
Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot ^(7/21)	Minimum: 2 per dwelling unit Maximum: 3 per dwelling unit
Multi-family types	Minimums: 1 space per 1 bedroom unit or studio OR 1.25 spaces per 2 bedroom unit OR 1.5 spaces per 3 or more bedroom units Maximums: 1.5 space per 1.5 bedroom unit or studio OR 2.25 spaces per 2 bedroom unit + 1.5 spaces for every 10 additional units OR 2.25 spaces per 3 or more bedroom units + 1.5 spaces for every 10 additional units

All other land use activities shall be subject to the parking requirements of Section 2.303.06.A. ^(12/19)

- c. Allowances for parking reduction in Section 2.303.06.B and parking increase 2.303.06.C shall apply in the RCOD. Within designated Centers, additional reductions to required off-street parking may also be provided per Section 2.130.09.B.2. (12/19)

4. Flexibility for Mixed Use Development^(12/19)

The following provisions are intended to provide additional flexibility for mixed use development within the RCOD. These provisions shall apply if an applicant wishes to consolidate one or more parcels zoned Mixed Use (MU) with one or more adjacent and contiguous residentially-zoned parcels. The residentially-zoned portions of the consolidated site may develop with any use permitted in the MU zone, provided the following requirements are met: ^(12/19)

- a. One new housing unit shall be provided for each existing housing unit that is displaced by the redevelopment of the site. ^(12/19)
- b. Buffering and screening shall be provided between any multi-family, mixed use, or non-residential uses developed on-site and any adjacent residentially-zoned parcel, pursuant to KDC Section 2.309.05. ^(12/19)

C. Standards for Accessory Residential Housing^(12/19)

Accessory residential housing in the RCOD is subject to the following development standards. Where the standards set forth in this Subsection conflict with standards in Section 2.403 (Shared Housing Facilities), the standards set forth in this Subsection shall control. ^(12/19)

- 1. Number of Dwelling Units. Up to two (2) accessory housing units are permitted per lot. If two units are proposed, one (1) of the units shall be attached. If one unit is proposed, that unit may be attached to, or detached from the primary residence. ^(12/19)
- 2. Parking. No additional parking is required for the accessory housing unit. Existing parking required for the primary residence must be maintained or replaced on-site following development of accessory housing units. ^(12/19)

2.130.06 Landscaping Standards

The following subsections indicate landscaping standards required in the RCOD. These standards supplement, and in some cases replace, the landscaping standards in KDC Section 2.309. Where the standards set forth in this Section conflict with standards Section 2.309, the RCOD development standards set forth in this Section shall control. (12/19)

A. Purpose

The purpose of the landscaping standards in this Section is to provide enhanced landscape design for sites within the RCOD, in order to create attractive street frontages that enhance the appearance of the district and provide a pleasant experience for pedestrians. The purpose is also to balance the reduced requirements for minimum landscaped area in the district, per Section 2.130.05.B.1. Landscaping standards in the RS zone remain unchanged. (12/19)

B. Landscape Standards

1. All front yards and all side yards abutting a street either shall be landscaped according to the following standards or shall be occupied by pedestrian amenities (e.g., plaza, outdoor seating, outdoor eating areas). (12/19)
 - a. All street-facing facades shall have landscaping along their foundation. (12/19)
 - b. The landscaped area shall be at least 3 feet wide. (12/19)
 - c. An evergreen shrub meeting the planting standards of Section 2.309.06.H shall be planted for every 3 lineal feet of foundation. (12/19)
 - d. Where landscaped areas in front yards and in side yards abutting a street are a minimum of 10 feet wide, trees shall be planted for every 30 lineal feet of building foundation. (12/19)
 - e. Groundcover meeting the planting standards of Section 2.309.06.I shall be planted in the remainder of the landscaped area. (12/19)
 - f. Plants approved by the Zoning Administrator or on City-approved lists shall be used. (12/19)
 - g. Exceptions. These standards do not apply to properties with front yard setbacks that are less than 10 feet. (12/19)

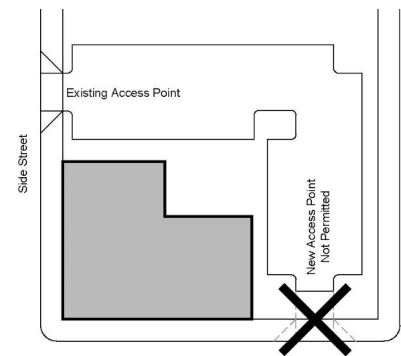
2. The following planting standards shall apply to all required landscape areas except for front yards or side yards abutting a street, as provided in subsection 1. (12/19)
 - a. Trees – A minimum of one (1) tree shall be planted for every 500 square feet of required landscape area. Evergreen trees shall have a minimum height of 6 feet and deciduous trees shall have a minimum caliper of 2 inches and a minimum height of 8 feet at the time of planting. (12/19)
 - b. Shrubs – One (1) evergreen shrub having a minimum mature height of 4 feet shall be provided for every 75 square feet of required landscape area. (12/19)
 - c. Ground cover – Ground cover meeting the standards of Section 2.309.06.I shall be planted in the landscaped area not occupied by required trees or shrubs. (12/19)
 - d. Plants approved by the Zoning Administrator or on City-approved lists shall be used. (12/19)
 - e. Rock, bark, or similar landscape cover materials may be used for up to 25% of the required landscape area. Hardscape treatments may be substituted upon approval of the Zoning Administrator. (12/19)

2.130.07 Access Standards

- A. Purpose
The purpose of managing access points onto public streets, especially onto collectors and arterials, is to reduce conflicts between users of the transportation system, to increase safety, to aid in the flow and mobility of traffic by all modes, and to create a more welcoming pedestrian environment. (12/19)
- B. Applicability
In addition to the general applicability standards established in 2.130.03(B), the provisions of this Section shall apply to development when a site's number of parking spaces will increase by more than 15% of the existing number of parking spaces or more than 20% of a site's existing parking area will be reconstructed. (12/19)
- C. Access Standards
Street functional classifications and spacing standards referred to in the following provisions are established in the currently adopted City of Keizer Transportation System Plan. (12/19)

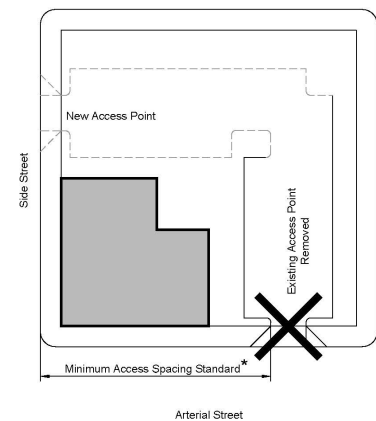
1. Standard A – A property fronts an arterial and a side street, which is not classified as an arterial, and has its existing access point on the side street. The access point on the side street shall be maintained and a new access point on the arterial is not permitted. (12/19)

Figure 2.130.07-1: Access Standard A



2. Standard B – A property has a single existing access point on an arterial street and also fronts a side street that is not an arterial or an alley. If the existing access point has substandard spacing from the nearest intersection or driveway, the existing access point shall be closed and a new access point on the side street shall be established. (12/19)

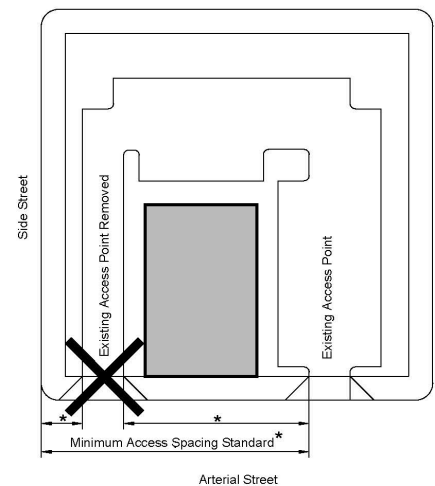
Figure 2.130.07-2: Access Standard B



* Substandard spacing could potentially exist:
 1) Between access points (driveways) on a site and street intersections.
 2) Between access points (driveways) on a site and access points (driveways) on neighboring sites.

3. Standard C – A property has two or more existing access points on an arterial. All access points with substandard spacing shall be closed, while a minimum of one access point may be maintained. If all existing access points have substandard spacing from the nearest intersection or driveway, the access point with spacing that is closest to meeting spacing standards shall be maintained. (12/19)

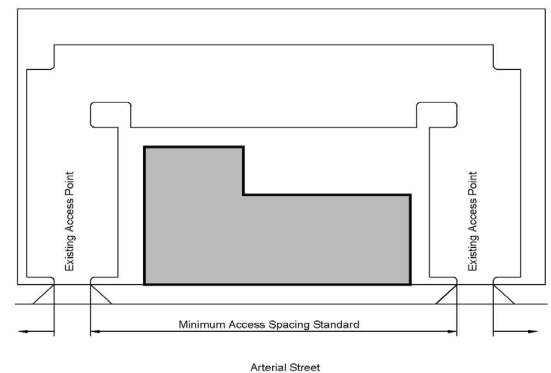
Figure 2.130.07-3: Access Standard C



* Substandard spacing could potentially exist:
 1) Between access points (driveways) on a site with multiple driveways on a frontage.
 2) Between access points (driveways) on a site and street intersections.
 3) Between access points (driveways) on a site and access points (driveways) on neighboring sites.

4. Standard D – A property has one or more access points on an arterial and all access points have sufficient spacing from the nearest intersection or driveway. The access points may be maintained. (12/19)

Figure 2.130.07-4: Access Standard D



5. Exceptions. Where there are safety or traffic operations issues identified in a traffic impact analysis prepared consistent with Section 2.301.04, which are the result of substandard access spacing, the Public Works Director may require one or more of the following: (12/19)
- A limit on the number, location, and/or turning movements of existing and new proposed connections to a City street. (12/19)
 - A driveway to extend to one or more edges of a parcel to allow for future extension and inter-parcel circulation as adjacent properties develop. (12/19)
 - A recorded access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s). (12/19)

2.130.08 Master Plans in Lockhaven Center

Development within the Lockhaven Center may be subject to Master Plan approval as provided in Section 3.114 and this Section 2.130. (12/19)

2.130.09 Dimensional and Development Standards in Centers

The following subsections indicate dimensional standards and development standards required within designated Centers in the RCOD. These standards supplement, and in some cases replace, the general standards for the RCOD provided in Section 2.130.05, as well as in the underlying zoning districts. Where the standards set forth in this Section conflict with standards in Section 2.130.05 or in the underlying zoning districts, the standards of this Section shall control. (12/19)

A. Dimensional Standards in Centers

1. Minimum and Maximum Front Yard Setback Requirements (12/19)

- a. The following front yard setback standards apply to multi-family, commercial, and mixed use development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within designated Centers: (12/19)

Table 2.130.09-1: Front Yard Setback Standards in Centers

Zone	Front Setbacks	Multi-Family	Commercial or Mixed Use
MU	Minimum	0 feet/6 feet (1)	0 feet/6 feet (1)
	Maximum	10 feet (2)	10 feet (2)
RM	Minimum	5 feet (3)	N/A

- (1) *A 0-foot setback is permitted on properties fronting River Road where right-of-way has already been provided or dedicated, consistent with the adopted 84-foot right-of-way width for arterials identified in the Keizer Transportation System Plan standards. Where such right-of-way is not already provided or dedicated, a minimum 6-foot setback is required.* (12/19)
- (2) *The maximum setback may be extended to 20 feet for up to 50% of the building facade if a plaza or other pedestrian open space is provided between the building and the sidewalk. The pedestrian open space must meet the standards of Section 2.130.10.E.* (12/19)
- (3) *Non-residential development in the RM zone shall be subject to the same minimum and maximum setback standards as multi-family development.* (12/19)
- b. Properties not subject to the setback standards listed in subsection a of this section are subject to the setback standards of the underlying base zone. (12/19)

B. Development Standards in Centers

1. Minimum Landscaping and Maximum Lot Coverage in Centers (12/19)

The minimum landscaping and maximum lot coverage standards for properties located in designated Centers are provided in the following table. Minimum landscaping for a property shall include all required yards. Landscaped areas shall be landscaped as provided in KDC Sections 2.309 and 2.130.06. Maximum lot coverage shall include all buildings, including accessory structures consistent with the definition of lot coverage. (12/19)

Table 2.130.09-2: Minimum Landscaping and Maximum Lot Coverage Standards in Centers (12/19)

Zone	Minimum Landscaping	Maximum Lot Coverage
MU	Commercial: 5% Mixed Use: 10% Residential: 10%	Commercial: 95% Mixed Use: 90% Residential: 90%
RM	10%	90%
RS	10%	90%

2. Reductions to Minimum Parking in Centers

Within designated Centers, the number of minimum required parking spaces provided in Sections 2.130.05.B.3.b and 2.303 may be reduced by up to a total of 25% if the applicant can demonstrate the following: (12/19)

- a. The site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park and ride lots are provided or will be provided as part of the development of the site. Allow up to a 20% reduction to the standard number of automobile parking spaces based on the level of amenities provided. This reduced parking allowance shall replace, not supplement, the 10% allowance provided in KDC Section 2.303.06.B. (12/19)
- b. A transportation demand management (TDM) plan is in place that will demonstrably reduce parking demand. The parking reduction percentage shall be determined by the Zoning Administrator based on the TDM plan. (12/19)
- c. Residential uses are targeted to populations with demonstrably lower parking needs (e.g., low-income households, seniors, etc.) OR the site is developed with affordable housing reserved for those earning incomes at or below 80% of the area median income (AMI). Allow up to a 10% reduction to the number of automobile parking spaces. (12/19)
- d. The site has dedicated parking spaces for carpool or vanpool vehicles. Allow up to a 5% reduction to the standard number of automobile parking spaces. (12/19)
- e. The site has at least 15% of its dedicated parking spaces for motorcycles, scooters, or electric carts. Allow up to a 20%

reduction in the minimum required dimensions for up to 5% of the parking spaces. (12/19)

- f. Pursuant to Section 2.107, applications for sites in the MU zone may also request a reduction to or waiver of parking standards based on a parking impact study. (12/19)
- g. An EV charging station is provided. Allow up to a 5% reduction. (12/19)
- h. Use of shared parking facilities on one or more lots. This provision is not subject to the 25% maximum reduction. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking spaces on one or more lots when the peak hours of operation of the uses do not overlap, subject to the following: (12/19)
 - i. The shared parking facility(ies) shall contain the same number of vehicle parking spaces required by the use which requires the greatest amount of parking per Sections 2.130.05.B.3.b and 2.303; (12/19)
 - ii. Satisfactory legal evidence shall be presented to the Zoning Administrator in the form of deeds, leases or contracts to establish the shared use and be recorded with the Marion County Records Office against all properties involved; (12/19)
 - iii. Shared parking spaces must be within 300 feet of the uses, structures or parcels sharing such parking. (12/19)
 - iv. If a shared use arrangement is subsequently terminated, or if the uses change, the requirements of the KDC shall apply to each use separately. (12/19)

3. Parking in Mixed Use Projects in Centers (12/19)

- a. Mixed use projects shall include either uses that are contained in a single building (vertical mixed use) or in a group of single-purpose buildings that share a single parking facility (horizontal mixed use). (12/19)
- b. The required minimum vehicle parking shall be determined using the following factors. (12/19)
 - i. Uses above the ground floor. The minimum parking requirement shall be 50% of what is required for the use pursuant to Section 2.303. (12/19)

- ii. Ground floor uses with peak hours of operation that do not overlap. The minimum parking requirement is determined by the number of spaces needed for the area of use with the highest peak demand. (12/19)
 - iii. Ground floor uses with overlapping peak hours of operation shall be calculated in the aggregate. (12/19)
 - c. Primary use, i.e., that with the largest parking demand within the development, at 100% of the minimum vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
 - d. Secondary use, i.e., that with the second largest parking demand within the development, at 90% of the vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
 - e. Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Sections 2.130.05.B.3.b and 2.303. (12/19)
4. Standards for Auto-Oriented Uses and Development (12/19)
- a. Applicability. The standards of this subsection apply to auto-oriented uses and development on properties fronting River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within Centers. For the purposes of this subsection, “auto-oriented uses and development” refers to the following uses: (12/19)
 - i. Gasoline service stations (Section 2.419). (12/19)
 - ii. Drive-Through windows or car service associated with eating and drinking places. (12/19)
 - iii. Vehicle sales and secondary repair (Section 2.420). (12/19)
 - iv. Public utility structures and buildings. (12/19)
 - v. Recreational vehicle parks (Section 2.412). (12/19)
 - vi. Structured automobile parking not associated with an allowed use. (12/19)
 - vii. Automotive Dealers. (12/19)
 - viii. Automotive rental and leasing, without drivers. (12/19)
 - ix. Automotive repair shops (Section 2.420). (12/19)

- x. Automotive services, except repair (Section 2.420). (12/19)
- xi. Utilities - secondary truck parking and material storage yard. (12/19)
- b. Auto-oriented uses and development in Centers may be permitted subject to obtaining a Conditional Use Permit. Applicants must demonstrate how the proposed development either limits or mitigates the safety and aesthetic impacts of the auto-oriented use on the pedestrian environment. Possible strategies to limit/mitigate impacts include increased setbacks, provision of pedestrian-oriented amenities, screening and buffering from the right-of-way and from adjacent residential uses, and access management and control measures. These strategies shall be consistent with screening and other requirements in existing special use standards that address limiting and mitigating impacts. (12/19)

2.130.10 Urban Design Standards in Centers

A. Purpose

The purpose of the urban design standards for Centers is to create pedestrian-oriented places that serve as the centers of commercial and civic activity and as destinations for residents and visitors in the River Road / Cherry Avenue Corridor. Pedestrian-oriented places provide visual interest at eye-level, feel safe and comfortable for people walking, contain a variety of activities and services, are easy to navigate on foot, and provide open areas and amenities for gathering and resting. The regulations for Centers modify the regulations of the overall River-Cherry Overlay District and of the underlying base zones to ensure pedestrian-oriented land uses and design. (12/19)

B. Applicability

The following standards apply to multi-family, mixed use, and non-residential development on properties, except as noted below. Some standards only apply to properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue, as provided in each applicable subsection below. Outside of the centers in the RCOD, Section 2.315 applies. (12/19)

C. Building Entry Orientation & Design

The following Building Entry Orientation & Design standards apply to development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. Orientation (12/19)

- a. All buildings shall have at least one primary entrance facing the street, where facing means positioned at an angle of 45 degrees or less. (12/19)

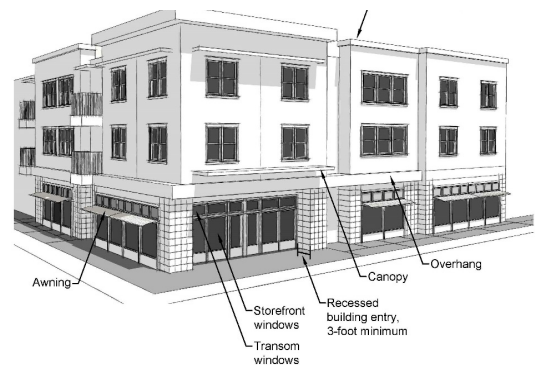
- b. For the purposes of this section, the “primary building entrance” is the main public entrance to the building. In the case where no public entrance exists, the “primary building entrance” is the main employee or resident entrance. Where there are multiple buildings on a lot, all buildings shall comply with this standard. (12/19)

2. Walkway. All primary entrances to a building must be connected to the sidewalk by a direct and continuous walkway. A direct walkway follows a route that does not deviate unnecessarily from a straight line and it does not involve a significant amount of out-of-direction travel. Walkway materials and dimensions shall be consistent with pedestrian circulation standards in Section 2.315.06.A. (12/19)

3. Entry Design (12/19)

Figure 2.130.10.C-1: Building Entry

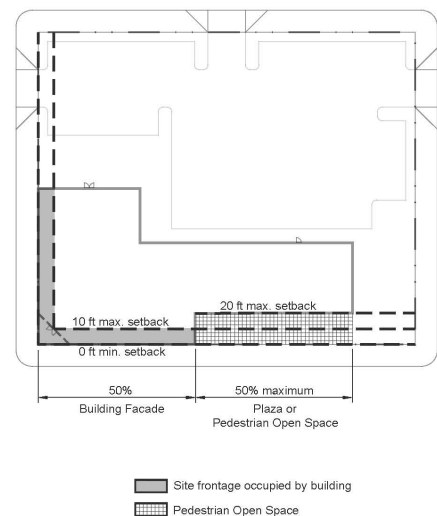
- a. Primary building entrances shall provide weather protection for pedestrians and must be architecturally emphasized, subject to the following standards: (12/19)



- i. Non-residential and mixed use buildings must comply with at least two (2) of the following: (12/19)
- a) Recessed entrances. If recessed, primary entrances shall be recessed a minimum of 3 feet into the building façade. (12/19)
 - b) Awnings, canopies, or overhangs. These may be used to provide weather protection and a visual element and meet height, projection, and materials standards in Sections 2.312 and 2.315. Awnings and canopies must also meet the standards of Section 2.130.10.L.4. (12/19)
 - c) Architectural features. Primary entrances may be reinforced with architectural features such as increased heights of entrance areas and doors, articulated parapets, transom windows above the doors, sidelights beside the doors, and/or windows (glass) in the doors. (12/19)

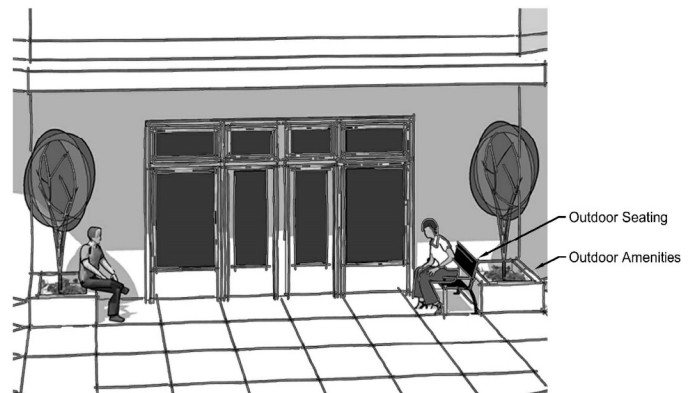
- d) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or other decorative features. (12/19)
 - e) Columns, piers, or pilasters that extend at least six (6) inches from the building may be used to frame and highlight entrances. (12/19)
 - ii. Multi-family residential buildings must provide weather protection over the primary building entrance and over entrances to all ground floor units. Weather protection may be provided using awnings, canopies, building overhangs such as eaves extending over front doors, covered front porches, or inset front doors. Awnings, canopies, and overhangs are subject to height, projection, and materials standards in Sections 2.312 and 2.315. (12/19)
- D. Corner Entrances and Features
Non-residential and mixed use buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building design shall provide an architectural element or detailing (e.g., tower, beveled/chamfered corner, art, special trim). (12/19)
- E. Pedestrian Open Space
 - 1. Pursuant to Section 2.130.09.A.1, the maximum setback for properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue may be extended to 20 feet for up to 50% of the building facade if a plaza or other pedestrian open space is provided between the building and the sidewalk. (12/19)

Figure 2.130.10.D-1: Pedestrian Open Space (Plan View)



2. The pedestrian open space must include at least one type of outdoor seating from the list in subsection a below, and a total of at least two pedestrian amenities from the lists in subsections a or b. (12/19)
 - a. Outdoor seating: benches, tables and chairs, or seat walls. (12/19)
 - b. Other amenities: fountains, drinking fountains, landscape planters, bollards, shade structures, or public art. (12/19)

Figure 2.130.10.D-2: Pedestrian Open Space Amenities



3. Pedestrian open space shall not be entirely paved, and shall include pedestrian amenities as listed in Subsection 2 above. (12/19)

F. Parking Location

1. Parking or vehicle circulation areas shall not be located within a required front yard setback or within a required side yard setback abutting River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue. (12/19)
2. Parking or vehicle circulation areas shall be limited to 50 percent of the street frontage abutting River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue. (12/19)

G. Parking Perimeter Landscaping

1. Where surface parking or vehicular circulation areas are located adjacent to the right-of-way, perimeter landscaping with a minimum width of 5 feet and a minimum height of 2.5 feet shall be provided. Perimeter landscaping shall include trees spaced not more than 30 feet on center, and shall include a mix of shrubs and ground cover and/or a landscaped swale for stormwater management. (12/19)

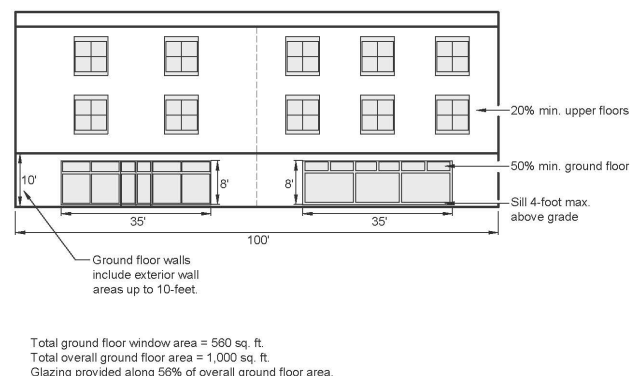
2. The buffering and screening requirements for parking areas in KDC Section 2.309.05.A.5 shall not apply within Centers, except for parking areas abutting residential zones. (12/19)

H. Window Coverage

Window coverage standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

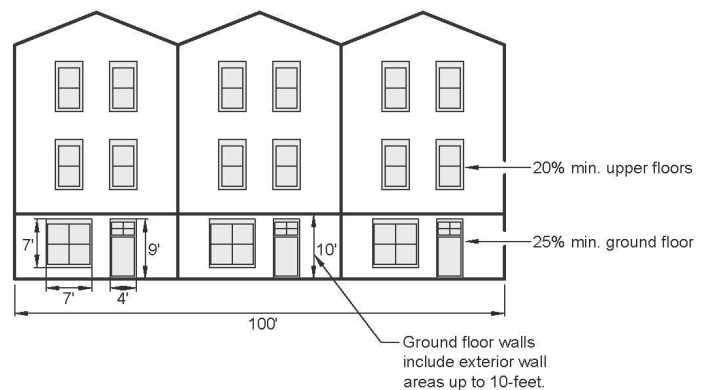
1. Non-residential or mixed use buildings are subject to the following standards: (12/19)
 - a. Ground floor windows. A minimum of 50% of the ground floor wall area of non-residential or mixed-use buildings shall contain windows, display areas, or doorway openings. Windows, display areas, or doorway openings used to meet this standard shall comply with the following provisions: (12/19)
 - i. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. (12/19)
 - ii. Windows used to meet this standard shall have a visible transmittance (VT) of 0.6 or higher. (12/19)
 - iii. The sill or lower edge of a window, display area, or doorway used to meet this standard shall be no more than four feet above grade. Where interior floor levels prohibit such placement, the sill or lower edge must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum height of six feet above grade. (12/19)
 - b. Upper floor windows. For buildings with more than one story, a minimum of 20% of the upper floor wall area of non-residential or mixed-use buildings shall contain windows. (12/19)

Figure 2.130.10.H-1: Window Coverage for Mixed-Use Buildings



2. Multi-family residential buildings are subject to the following standards:
(12/19)
 - a. Ground floor windows. A minimum of 25% of the ground floor wall area of multi-family residential buildings shall contain windows. (12/19)
 - b. Upper floor windows. A minimum of 20% of the upper floor wall area of multi-family residential buildings shall contain windows. (12/19)

Figure 2.130.10.H-2: Window Coverage for Multi-Family Residential Buildings



Total ground floor window + door area = 255 sq. ft.
 Total overall ground floor area = 1,000 sq. ft.
 Glazing provided along 25% of overall ground floor area.

3. For all building facades subject to the window coverage standards of this section, ground floor walls shall include all exterior wall areas up to 10 feet above the finished grade of the entire width of the street-facing elevation. Upper floor wall area shall include all exterior wall areas above 10 feet above the finished grade. (12/19)

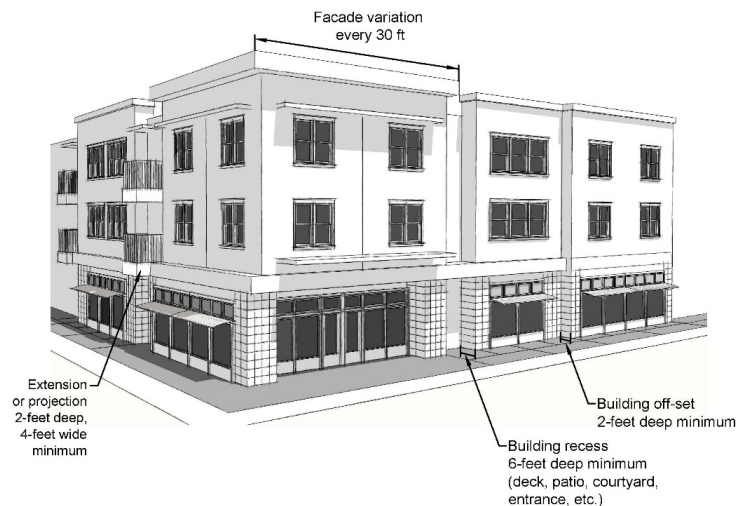
I. Facade Variation and Detailing

The following standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. Facades shall avoid large expanses of uninterrupted building surfaces in areas which are visible to the public by incorporating features listed in I.2 below to vary the look of the facade at intervals not to exceed 30 feet. (12/19)
2. Each facade subject to this standard shall provide at least two (2) of the following features in order to meet the facade variation and detailing standard: (12/19)

- a. Variation in building materials between primary materials and trim materials established in Section 2.315.06.B.4, where at least 65% of each building façade consists of primary materials; (12/19)
- b. Building off-set of at least two (2) feet; (12/19)
- c. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet; (12/19)
- d. Extension or projection (e.g., floor area, deck, patio, porch, roof over a porch, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; (12/19)
- e. Other similar façade variations approved by the Zoning Administrator. (12/19)

Figure 2.130.10.I-1: Façade Variation and Detailing



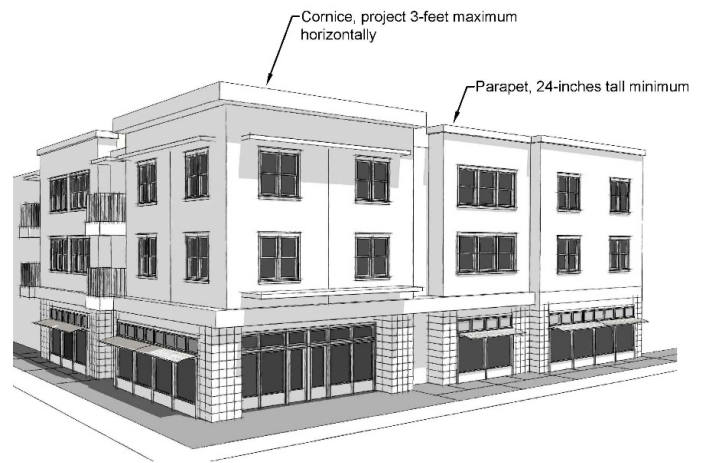
J. Roof Forms

The following standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows: (12/19)

1. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually “cap” the building and meet all of the following requirements: (12/19)
 - a. Cornices shall project horizontally a maximum of 3 feet. (12/19)
 - b. Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing. (12/19)

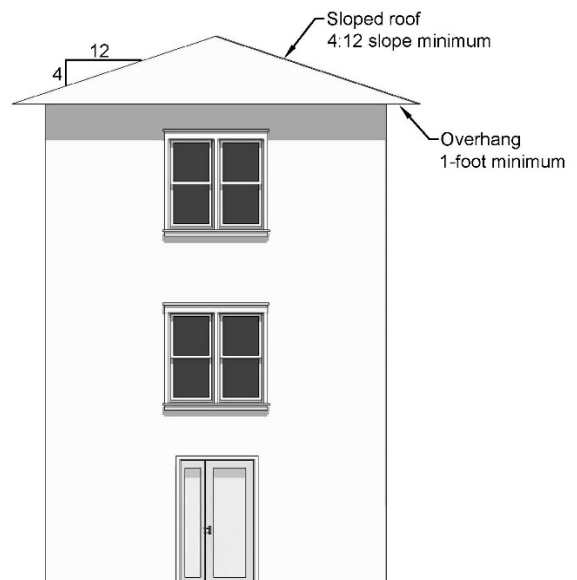
- c. Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area. (12/19)

Figure 2.130.10.J-1: Flat Roof Forms



2. Sloped roofs must meet all of the following requirements: (12/19)
- All sloped roofs shall provide a minimum 1-foot overhang. (12/19)
 - All sloped roofs must have a minimum slope of 4:12 (12/19)

Figure 2.130.10.J-2: Sloped Roof Forms

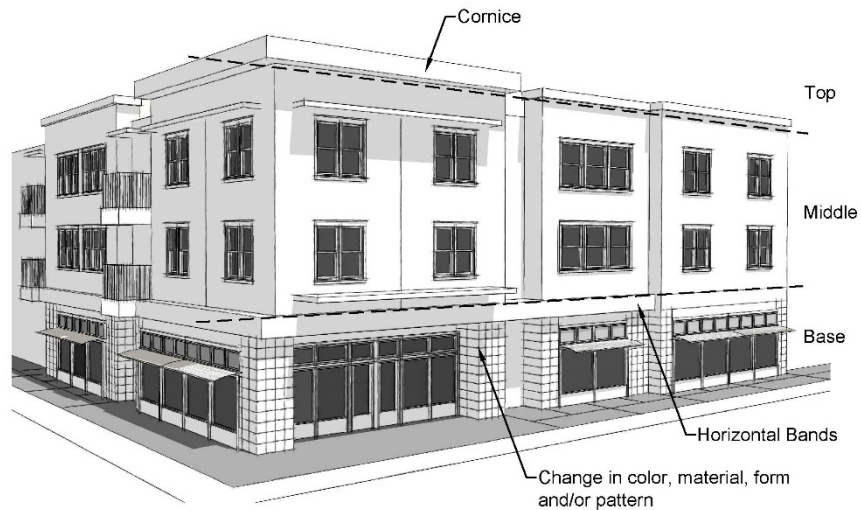


K. Base, Middle, and Top of Building

The following standards apply to building facades of non-residential and mixed use buildings facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. All buildings with two (2) stories or more shall have a clear and distinct base, middle and top to break up vertical mass. (12/19)
2. All facades subject to this standard must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements: (12/19)
 - a. Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 inch from the building face. (12/19)
 - b. Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches. (12/19)

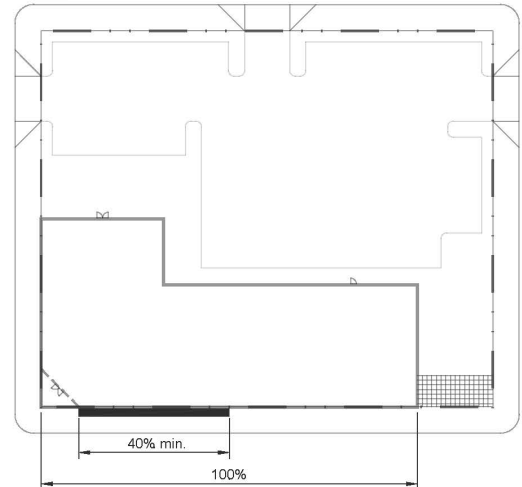
Figure 2.130.10.K-1: Building Base, Middle, and Top



L. Weather Protection for Non-Residential or Mixed Use Buildings

Figure 2.130.10.L-1: Weather Protection

Weather protection for pedestrians shall be provided along a minimum of 40% of a building frontage facing River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue, subject to the following provisions and consistent with Section 2.130.10.C.3: (12/19)



40% Minimum of building frontage facing River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue

Weather Protection

1. Weather protection may be provided by awnings, canopies, arcades, colonnades, recessed entries, or combination of these elements. (12/19)
2. Vertical clearance from the weather protection element to the sidewalk must be between 9 to 12 feet. (12/19)
3. Recessed entries must be recessed a minimum of 4 feet from the building façade. (12/19)
4. Awnings and canopies shall project a minimum of 5 feet from the building façade, or a minimum of 4 feet for a recessed building entry, and shall be constructed of canvas, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (12/19)

M. Building Materials

Buildings shall be subject to the Materials and Texture standards of Section 2.315.06.B.4, as modified by the following requirements. (12/19)

1. The following exterior materials or finishes are prohibited within designated Centers: (12/19)
 - a. Vinyl siding. (12/19)
 - b. T-111 or similar sheet materials. (12/19)
 - c. Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry);

foundation material may be skim-coated concrete block where the foundation material is not revealed for more than 3 feet. (12/19)

2. Each building façade facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue shall include a minimum of two (2) types of exterior materials, each with an area of at least 20% of the façade. Brick or masonry (except CMU) may be used singly and applied to the entirety of the façade. (12/19)

N. Screening of Mechanical Equipment (12/19)

1. Building Walls (12/19)
 - a. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way, it shall be screened from view by a sight obscuring fence, wall, landscape screen, or combination of screening methods. (12/19)
 - b. Standpipes, meters, vaults, and similar equipment need not be screened but such equipment shall be placed on a side or rear building elevation except where the applicant can demonstrate that such locations are not physically or financially feasible. (12/19)
2. Rooftop Mechanical Equipment. Rooftop mechanical units shall be set back or screened behind a parapet wall so that they are not visible from any public right-of-way. Where the applicant demonstrates that such placement and screening is not physically or financially feasible, the Zoning Administrator may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any. Solar panels are exempt from this standard. (12/19)
3. Ground-Mounted Mechanical Equipment. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. (12/19)

2.301 GENERAL PROVISIONS

2.301.01 Purpose

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan and adopted planning documents such as the Transportation System Plan, with respect to development standards and policies. (11/09)
- B. Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction. (11/09)
- C. Promote energy conservation and efficiency in development through site planning and landscaping. (11/09)
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods. (11/09)
- E. Encourage quality development that contributes to the needs and character of the community. (5/98)

2.301.02 Application of Standards

- A. Application. The standards governing development as set forth in Section 2.3, the applicable zone district, and/or within Section 2.4 as applicable shall apply to partitions; subdivisions; planned unit developments; commercial and industrial development; public and non-commercial development; single family dwellings, duplexes and multi-family structures. (11/09)
- B. Phasing. Phasing or delay of improvements may be authorized as allowed by this section. When it is determined by the City that the strict application of the requirements outlined in the table below is impractical or not feasible then consideration may be given for delaying or phasing the required public facilities improvements. Phasing may be considered when: (11/09)
 - 1. lack of connecting facilities exists; (11/09)
 - 2. any plans that the city may have for future public facilities improvements that may justify phasing or delaying so that the project may be incorporated into the city's improvement plans; (11/09)
 - 3. other engineering factors that may justify that the improvements should be delayed exist. (11/09)

If a delay or phasing is allowed it is not to be considered as a modification of the required improvements or that the improvements are to be eliminated. The property owner shall sign an appropriate agreement with the city in a recordable form that shall obligate the property owner to construct the improvements at the specified time within the agreement. Phasing is authorized only if specifically allowed for in the land use decision or the building permit. (11/09)

2.301.03 Public Facility Improvement Requirements

Standards for the provision and utilization of public facilities or services available within the City of Keizer shall apply to all land developments in accordance with the following table. No development permit, including building permit, shall be approved or issued unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 2.310.05.D or 2.310.06.P as applicable. (11/09)

Public Facilities Improvement Requirements Table

LAND USE	FIRE HYDRANT	STREET IMPROVEMENT	WATER HOOK-UP (PF-1)	SEWER HOOK-UP (PF-6)	STORM DRAIN (PF-7)	STREET LIGHTS (PF-8)
Single Family Dwelling, Duplex, <u>Triplex,</u> <u>Quadplex,</u> <u>Townhouse,</u> <u>Cottage</u> <u>Cluster</u>	No (unless required by U.F.C.)	PF-3	Yes	Yes	Yes	No
Multi- Family Dwellings	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
New Public, Commercial or Industrial	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
Public, Commercial or Industrial Expansion	PF-2	PF-5	Yes	Yes	Yes	Yes
Partition, Subdivision, PUD, MHP	PF-2	PF-4 and PF-5	Yes	Yes	Yes	Yes

Footnotes to Public Facilities Improvement Requirements Table

Legend: No = Not required Yes = Required

PF – Public Facility

PF-1 An approved potable water supply capable of supplying both domestic water supply and also meeting the required fire flow for fire protection shall be provided prior to the start of combustible construction. (11/09)

PF-2. Fire Hydrants shall meet the requirements as set forth in the Uniform Fire Code. (11/09)

PF-3. Street Improvements for Single Family Dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage clusters: New single family dwellings, duplexes, triplexes, quadplexes, townhouses, or cottage clusters that require a street extension must provide street improvements, and right of way dedication where deemed necessary by the Department of Public Works. Street improvements are required when the improvement will extend an existing street improvement adjacent to the property. The improvements that must be extended when they exist include street lanes to the same width as on adjacent property, curbs, gutters, storm drainage, and sidewalk. In all cases the improvements shall be done to Department of Public Works standards. (11/09)

PF-4. As specified in Section 2.310. (11/09)

PF-5. If a Traffic Impact Analysis (TIA) is required pursuant to Section 2.301.04 the City will require improvement (s) as recommended in such TIA, in addition to those specified in the Public Facilities Improvement Requirements Table as set above. (11/09)

PF-6 Connection to municipal sanitary sewer system shall be required unless property is within a zone district which allows the option of using an on-site septic system. (11/09)

PF-7 New developments and expansion shall connect into an approved storm drainage system or shall provide on-site storm drainage facilities in a system meeting city approval. (11/09)

PF-8 Generally, street lights are not required of partitions but are for subdivisions. Street lights for other developments will be required on a case by case basis. (11/09)

MFD = Multi-family dwelling (3 or more units)

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

2.301.04 Traffic Impact Analysis (TIA)

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study. (07/09)
- B. Typical Average Daily Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips.
- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a development application, when the following conditions apply: (11/09)
 - 1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or
 - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles

entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or

- 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements. (11/09)

1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
2. Transportation Planning Rule Compliance. See Section 3.111.05 Transportation Planning Rule Compliance.
3. Pre-application Conference. The applicant will meet with Keizer Public Works prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the proposed development is adjacent to or otherwise affects a State roadway. (6/14)

E. Approval Criteria. (11/09)

1. Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a professional engineer; and
 - b. If the proposed development shall cause one or more of the effects in Section 2.301.04.C, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
 - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

- 1) Have the least negative impact on all applicable transportation facilities; and
- 2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
- 3) Make the most efficient use of land and public facilities as practicable; and
- 4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
- 5) Otherwise comply with applicable requirements of the City of Keizer Development Code.

F. Conditions of Approval. The City may deny, approve, or approve a development proposal with appropriate conditions.

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

2.303 OFF-STREET PARKING AND LOADING

2.303.01 Purpose

The purpose of this Section is to provide standards to ensure adequate areas for the parking, maneuvering, loading and unloading of vehicles and bicycles for all land uses in the City of Keizer. (12/15)

2.303.02 Scope

The provisions of this Section shall apply to the following types of development: (5/98)

- A. New Building. Any new building or structure erected after the effective date of this Ordinance. (5/98)
- B. Expansion. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure. (5/98)
- C. Change in Use. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section. (5/98)

2.303.03 General Provisions Off-Street Parking and Loading

- A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. (5/98)
- B. Additional Parking Required Prior to Occupancy. Should the owner or occupant of any lot or building change the use to which the lot or building is used, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed. (07/06)
- C. Interpretation by Administrator. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. The Zoning Administrator shall have the authority to make adjustments based on parking demand analysis prepared by an applicant. (07/06)

- D. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.303.05. (5/98)
- E. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials including solid waste collection containers. Garages for single family and duplex dwelling units shall not be counted in determining required parking spaces. (5/98)
- F. Drainage. All new parking areas and expansion of existing parking areas shall provide a storm drainage system to dispose of runoff generated by the impervious surface. Provisions shall be made for the appropriate on-site collection, storage, conveyance, and treatment of drainage water. All development shall be designed and constructed to prevent sheet flow of such water onto sidewalks, public rights of way, and abutting properties. The drainage system shall be approved by Keizer Public Works Department prior to construction and shall be constructed in accordance with the city's storm water management regulations. (9/17)

2.303.04 Location and Use Provisions

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that: (5/98)

- A. Residential Zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. Tandem parking (stacking no more than two cars end to end in a private drive way) shall be an acceptable method of meeting parking requirements. (9/17)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the use if it is within 500 feet of such site and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. (12/15)
- C. Accessory Parking Use, Non-residential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in non-residential zones. (07/06)

- D. Accessory Parking Use, Residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided: (5/98)
1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)
 2. Vehicles parked outdoors in a residential zone may be parked in a driveway, as regulated herein, and must be located within the front yard meeting the requirements for required parking in this Section. (9/17)
 3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided it complies with the provisions in Section 2.407.G. (12/11)
 4. A parking plan must be approved for all development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots.
- E. Yard Parking Restrictions. No parking of vehicles, trailers, boats, or recreational vehicles shall be allowed in a front yard except on a driveway. (12/15)
- F. Storage Restrictions. Side and rear yards may be used for storage and parking of vehicles, trailers, boats, and recreational vehicles. Storage and parking areas shall be screened by a six foot high fence, wall, or hedge. Storage and parking areas shall be either durable hard surface or gravel surface consistent with the requirements in Section 2.413 (Recreational Vehicle Storage – Single Family Homes). The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (12/15)
- G. All vehicles are subject to the regulations prohibiting illicit discharge, as governed by applicable City regulations. (9/17)

2.303.05 Joint Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to Zoning Administrator's approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. (07/06)

2.303.06 Off-Street Automobile Parking Requirements

Off-street parking shall be provided in the amount not less than listed below. (9/17)

A. Parking Requirements

LAND USE ACTIVITY	SPACES REQUIRED *Square footage = Gross floor area. (12/15) *Totals shall be rounded up to the next whole number
Single Family and Duplex	2 per dwelling unit
<u>Duplex, Triplex, Quadplex, Townhouse, and Cottage Cluster</u>	<u>1 per dwelling</u>
Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot	3 per dwelling unit
Multi-family types	1 space per 1 bedroom unit + 1 additional space for every 10 units OR 1.5 spaces per 2 or more bedroom units + 1 additional space for every 10 units
Hotel, motel, Bed and Breakfast	1 space per guest room
Club, lodge	Combination of uses being conducted: hotel, restaurant, etc.
Hospital	1 space per 2 beds
Nursing home, convalescent home, Memory care	1 space per 3 beds
Senior living facility, assisted living facility	To be determined through review process
Health service, medical or doctor's office, non-profit shelter providing emergency housing and associate services	1 space per 350 square feet
House of worship, auditorium, stadium, theater	1 per 4 seats or every 8 feet of bench length
Park, special event	As determined through conditional use/master plan or city council review
Elementary, middle school	2 spaces per classroom – In addition, 1 space per 350 sq. ft. of administrative office

High school	1 space per classroom – In addition, 1 space per 10 students and 1 space per 350 sq. ft. of administrative office
Family Daycare provider, Day care facility	In addition to required single family parking: 1 space for up to 12 children 2 spaces for more than 12 children
Preschool, nursery	1 space per each employee plus 1 space per room
Bowling alley, skating rink, community center, recreation facility	1 space per 200 square feet
Golf Course	4 spaces per green
Tennis courts, racquetball courts	2 spaces per court
Retail store	1 space per 300 square feet
Personal Service	1 space per 350 square feet
Service repair center; retail store handling bulky merchandise (e.g. furniture, home furnishing, major equipment), home appliance, television, electronic equipment	1 space per 900 square feet
Dry cleaner	1 space per 1,000 square feet
Laundromat	1 space per 300 square feet
Bank, credit union	1 space per 400 square feet
Office used for real estate, lawyer, insurance brokers	1 space per 500 square feet
General Office (non-medical)	1 space per 500 square feet
Eating and drinking establishment	1 space per 125 square feet
Wholesale establishment	1 space per 2,000 square feet
Government offices open to the public	1 space per 500 square feet
Wireless telecommunication facility	1 space per facility
Industrial, manufacturing, processing	1 space per 1,000 square feet
Warehousing and storage terminals	1 space per 2,000 square feet

B. Parking Reduction

The number of minimum required parking spaces may be reduced by up to 10% if the site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park and ride lots, are provided or will be provided as part of the development of the site. (12/15)

C. Parking Increase

The number of minimum required parking spaces shall not be increased by more than 50% unless a property owner provides a parking demand analysis which documents that a greater amount is necessary to serve the needs of those who will use the parking facility and is accepted by the Community Development Director. (12/15)

2.303.07 Standards for Disabled Person Parking Spaces

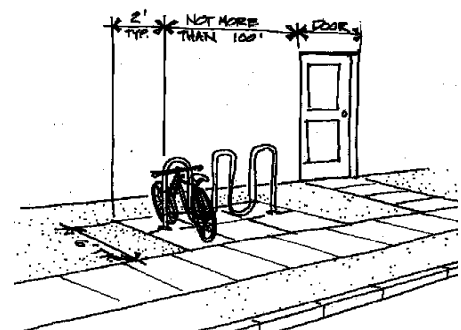
Disabled Person Parking Spaces shall comply with the requirements of the building code and ODOT standards. (5/98)

2.303.08 Bicycle Parking

A Bicycle Parking Required. Bicycle Parking shall be required in all public and semi-public, commercial, multi-family, and industrial development as well as park-and-ride lots. Bicycle parking shall be based on the amount of automobile parking required. In addition to a required one bicycle parking space, bicycle parking spaces shall be calculated at five percent of the amount of the automobile parking spaces which are required and all fractions are rounded up the next whole number. (12/15)

B. Bicycle Parking Development Requirements

1. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle. (5/98)
2. Location. All bicycle parking areas shall be within 50 feet of a building entrance and located within a well-lit area. Bicycle parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (12/15)



Bicycle Parking Standards

3. **Rack Design.** Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. Fixed objects which are intended to serve as bicycle parking facilities but which are not obviously designed for such purposes shall be clearly labeled as available for bicycle parking. (12/15)
4. **Access.** Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)

C. **Exemptions**

The following uses are exempt from the bicycle parking requirements: (5/98)

1. Seasonal or temporary businesses. (5/98)
2. Wireless telecommunication facilities, and other utilities (12/15)

2.303.09 Carpool and Vanpool Parking

New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created. (5/98)

2.303.10 Off-Street Loading Requirements

Off-street loading space shall be provided as listed below: (5/98)

- A. **Commercial Office.** Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts: for buildings over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)
- B. **Commercial and Industrial.** All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)

2.303.11 Parking and Loading Area Development Requirements

All Parking and loading areas shall be developed and maintained as follows:

- A. **Surfacing.** All driveways, parking and loading areas shall have a durable, hard, dust free surface such as asphalt, concrete, or pavers (segmented bricks). Temporary or over-flow parking areas may be allowed on a case by case basis subject to Public Works and Community Development approval to be exempt from this requirement. Over-flow is defined as being on an infrequent or occasional basis and is in addition to parking that already exists on the site. Temporary is less than two years in duration. (12/15)

B. **Parking Spaces**

1. **Dimensions.** Head-in parking spaces shall be a minimum 9 feet wide and 18 feet in length. Parallel parking spaces shall be a minimum 9 feet wide and 22 feet in length. (9/17)
2. **Compact Spaces.** Compact parking spaces, at a reduced width of 8.5 feet and 16 feet in length, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space." (12/15)

C. **Aisle Dimensions.**

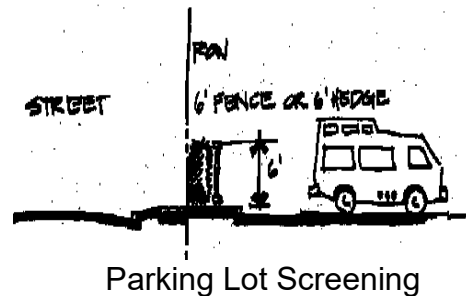
The following minimum aisle dimensions shall apply: (5/98)

1. **Without adjacent parking (drive aisle):**
 - a. Single family residence: 12 feet
 - b. One-way: 12 feet
 - c. Two-way: 22 feet
2. **With adjacent parking (9/17):**

PARKING ANGLE	AISLE WIDTH	
	One-way	Two-way

0 to 40	14 feet	24 feet
41 to 70	16 feet	24 feet
71 to 90	24 feet	24 feet

- D. Screening. When any parking or loading area abuts a residential zone, the parking or loading area shall be screened or buffered as is required in Section 2.309.05. (07/06)

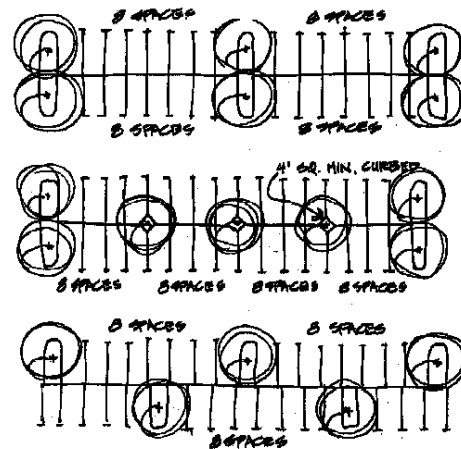


- E. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way, and shall provide appropriate shielding so the light source is not visible from any public right of way or adjacent residential property. (9/17)

- F. Landscaping.

1. Parking lot landscaping should be designed to provide shade, reduce storm water runoff, and direct traffic. Incorporation of approved stormwater quality facilities in landscaped areas is encouraged. (9/17/)

2. One tree shall be planted for every eight lineal parking space. The planting space shall measure no less than 4 feet square and be contained by appropriate methods to ensure landscaping materials are kept in place, and vegetation is protected from vehicle maneuvering and parking areas. Trees may be planted in clusters to screen or buffer the development if approved in the Landscaping plan. (9/17)

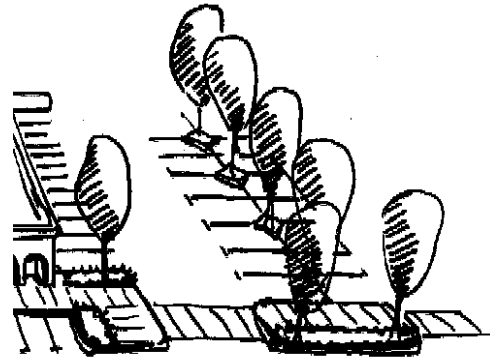


Parking Lot Tree Siting Alternatives

3. Trees shall be of a species that the root system will not interfere with underground utilities or the parking surface, and must be capable of achieving a minimum 15 foot canopy radius.

4. All trees must be planted in proximity to proposed parking areas. At a minimum, 1/3 of the diameter of each proposed mature tree canopy shall provide shade and overlap the parking area. (9/17)

5. Trees may be planted within a storm drainage area subject to Public Works review and approval, provided the selected tree species will not adversely impact the function of the storm drainage facility.



Parking Lot Landscaping

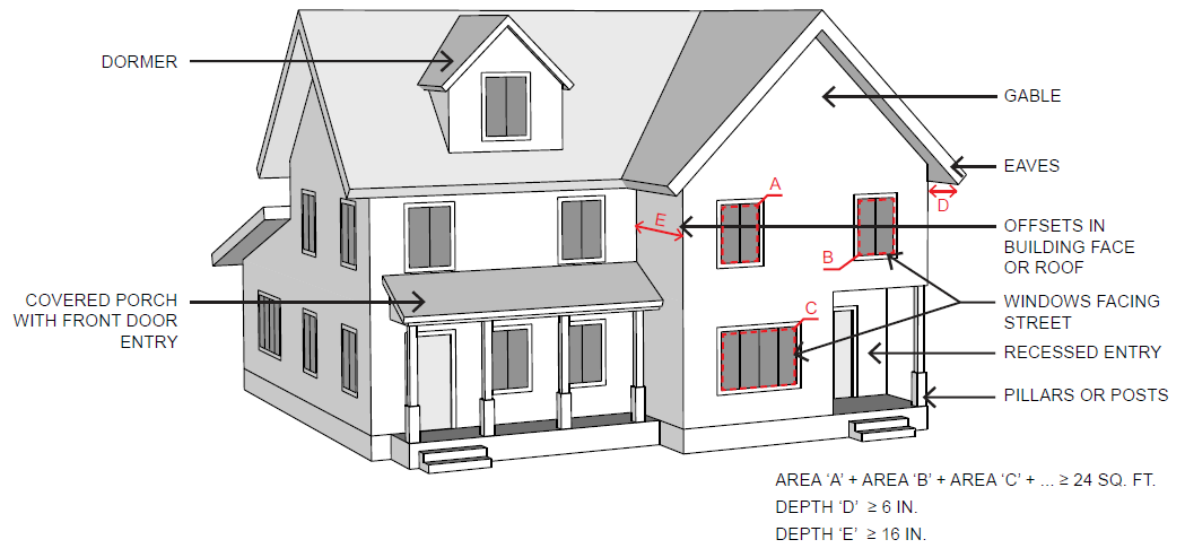
6. Trees shall be a minimum 2" caliper at the time of planting, of a suitable species, and be healthy with no visible damage. (12/15)

- G. **Traffic Flow.** Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)
- H. **Entrance/Exits.** Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)
- I. **Bumper Rails.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. (5/98)
- J. Existing development may redevelop a portion of existing parking areas in order to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations. The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use. (07/09)

2.314 STANDARDS FOR SINGLE FAMILY DWELLINGS, DUPLEXES, TRIPLEXES, QUADPLEXES, COTTAGE CLUSTERS, AND TOWNHOUSES

The following standards will be applied to all single family dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, RM, MU or UT zones. (10/15)

- A. All single family homes, duplexes, triplexes, quadplexes, and townhouses shall have at least one ~~their~~ primary building façades or entrance oriented towards the front lot line or the street of the lot, and Single-family homes, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall incorporate at least five of the following design features to provide visual relief along the front of the home: (10/15)
1. Dormers; (5/98)
 2. Gables; (5/98)
 3. Recessed entry; (10/15)
 4. Covered porch with front door entry facing the front lot line; (10/15)
 5. Cupolas; (5/98)
 6. Pillars or posts; (5/98)
 7. Bay or bow windows or window shutters; (10/15)
 8. Eaves (minimum 6" projection); (5/98)
 9. Off-sets on building face or roof (minimum 16") (5/98)
 10. Window(s) facing the street or access easement have a minimum area of not less than 24 square feet. (10/15)
 11. A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding, shakes, etc) (10/15)



- B. Garages and carports. When garages and carports are provided they shall meet the following: (10/15)
1. Garage doors and carport openings facing the street shall not account for more than 50% of the dwelling façade that faces the street. (10/15)
 2. Garage doors on lots less than 8,000 square feet must be recessed from the front plane of the house at least 5 feet or mitigated with additional design features as set forth below. These are in addition to the features required in Section 2.314(A) above: (10/15)

- a. If garage door is even with or recessed less than 5 feet from the front building plane then **one** additional design feature from the design feature listed below is required. (10/15)
- b. If garage door protrudes 5 feet or less from the front building plane then **two** additional design features from the design feature listed below is required. (10/15)
- c. If garage door protrudes more than 5 feet from the front building plane then **three** additional design features from the design feature listed below is required. (10/15)

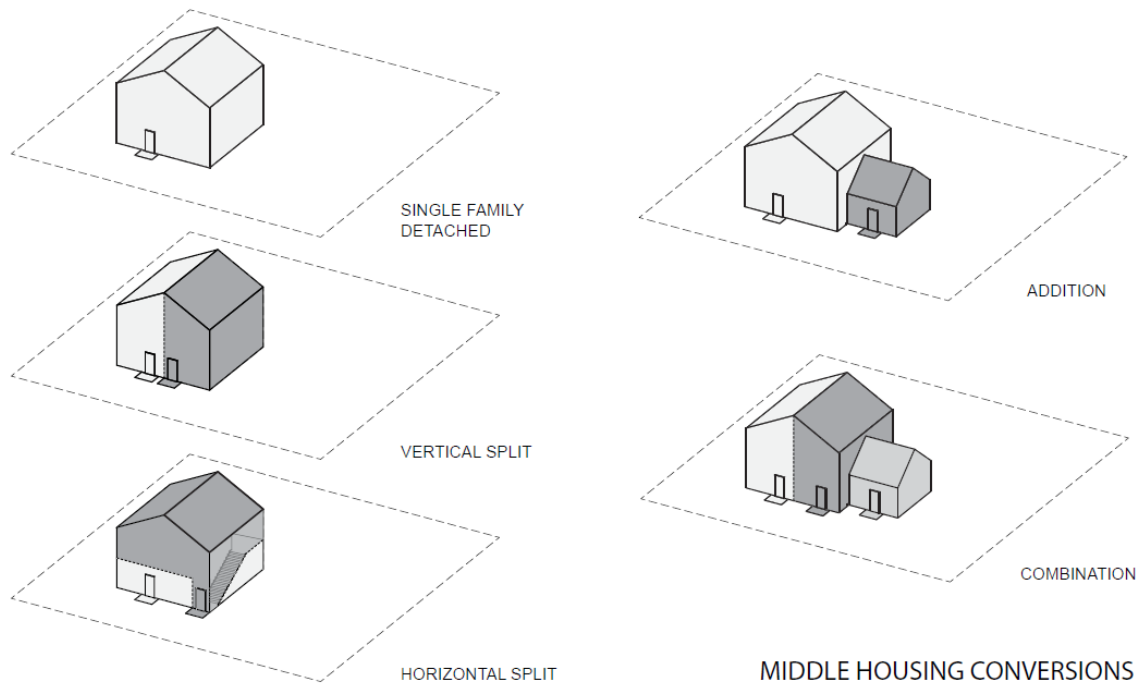
DESIGN FEATURE (GARAGES AND CARPORTS)

- Trellis in front of the garage. (10/15)
- Projections (such as pillars, posts, stonework, brick work) over, or at each side of the garage doors. Projections shall be a minimum of 8 inches in depth. (10/15)
- Additional gables including one above the garage. (10/15)
- Windows in garage door. (10/15)
- Decorative garage doors which incorporate architectural design elements such as stable doors etc. (10/15)
- Landscaping which includes a variety of trees and other planting materials to visually mitigate the garage, which is in addition to required landscaping. (10/15)
- Added architectural feature(s) using materials, textures, and / or design features in the plane of the garage. (10/15)
- Decorative hardscape features which may be either horizontal and / or vertical and includes a variety of materials and textures such as stamped concrete, pavers, bricks, columns, significant ornamental rocks, etc. (10/15)

C. Middle housing conversions. A conversion from a single-family home to a duplex, triplex, quadplex, or cottage cluster is allowed. The following requirements and standards apply:

1. The converted housing type is a permitted use in the underlying zone.
2. With the exception of minimum parking requirements, the conversion of the existing single family home does not create or increase nonconformance with applicable development and design standards.

3. The conversion is exempt from additional design requirements and public facility improvements.
4. The conversion is subject to the City's building permit review and approval process.



2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. “Standards” only include the development standards referred to in this Section. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this Development Code shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (12/18)

2.315.02 Applicability

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant Standards found in Section 2.315.06 of this code. (12/18)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the Standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (12/18)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (1/04)
- D. In addition to the standards in this Chapter, development in the overlay zone RCOD is subject to development standards in Section 2.130. If there is a conflict between this Chapter and Section 2.130, then Section 2.130 shall apply. (12/19)

2.315.03 Exemptions

- A. The following are exempt from the Standard Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (1/04)

- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period, (1/04)
- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (1/04)
- D. Agricultural uses (1/04)
- E. Any residential building housing ~~three~~ four or fewer dwelling units and cottage clusters. (1/04)
- F. Any interior remodeling (1/04)
- G. A temporary business (1/04)
- H. A mobile Food Vendor (12/18)

2.315.04 Administration of the Development Standards

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (1/04)

- A. The Standards embodied in this Development Code are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (12/18)
- B. In instances where conformance to the Standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards. (12/18)
- C. The Standards embodied in this Development Code are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (12/18)
- D. In the event a development proposal or a change to an existing building does not conform to the Standards due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall be processed as a Type II-B land use decision consistent with Section 3.202. The initial decision shall be rendered by the Planning Commission, appealable to City Council. For properties located within the Keizer Station, the initial decision shall be rendered by the City Council. No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (12/18)

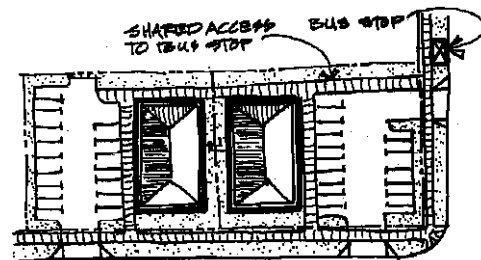
2.315.05 Non-Conforming Buildings

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (1/04)

2.315.06 Development Standards

All applicable development must meet the following Standards: (12/18)

- A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (1/04)
1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and transit facilities (existing or planned). (12/18)
 2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code requirements. (12/18)
 3. Additional Street Access. One walkway from a building to a public street shall be provided for every 300 feet of street frontage. (12/18)
 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (1/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be safely used at night by employees and customers. (12/18)
 6. Walkway Coverage.
 - a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs.



Pedestrian Access Standards

The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (1/04)

- b. In the EG zone, any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (1/04)
- 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a paved minimum unobstructed width of eight feet. (12/18)
- 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (1/04)
- 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (1/04)
- 10. The building permit application or Development Standards Alternative-application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible, evidence and proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The evidence will be evaluated in conjunction with the building permit or Development Standards Alternative process. (12/18)

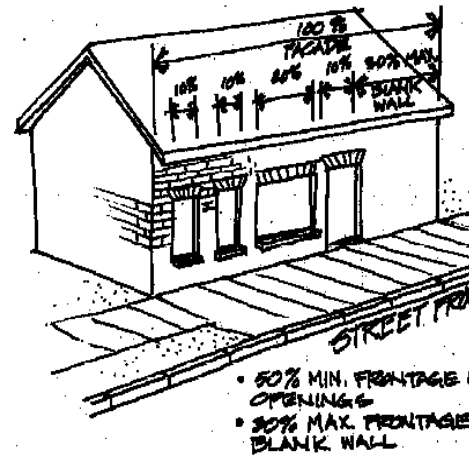
B. Building Design

- 1. Ground floor windows
 - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. (5/98)
 - b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted

uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation shall be determined as part of the required Master Plan review described in Section 2.125. (12/18)

2. Building facades

- a. In the CM, CR, and MU zones, facades that are visible from a public street shall extend no more than 30 feet horizontally without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area entirely separated from other wall areas by a projection, such as a porch or a roof over a porch and no more than 15 feet between vertical design elements such as columns, pilasters, or patterns. (12/18)



Facade Standards

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. (12/18)

3. Awnings – Awnings are a roof-like cover extending immediately in front of a doorway or window to provide protection from the sun or rain. Awnings shall be provided along building storefronts abutting a public sidewalk. Awnings are not allowed in locations not listed above. Awnings shall be constructed of canvas, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings shall not be back lit. (12/18)

4. Materials and Texture

- a. Building Materials. (1/04)
- 1) All buildings shall have wood, brick, stone, architectural block, slump stone block, architectural

concrete, stucco siding, or vinyl siding made to look like wood siding as the predominant building material. (12/18)

- 2) A minimum of 2 separate and distinct building materials must be used. (12/18)
- 3) Metal siding other than reflective material is allowed as part of a design to incorporate differing materials, but shall not be the predominant material used. Metal siding is not allowed for residential buildings housing 3 or more dwellings. (12/18)
- 4) Plain concrete masonry block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (12/18)

b. Trim Material. (1/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (1/04)

c. Roofing Material. (1/04)

Any roofing material is allowed including metal roofs. (5/98)

d. Foundation Material. (1/04)

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

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (1/04)

- 1) Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim. (12/18)

- 2) Light Reflectance Value (LRV) of any color shall be

between the values of 30 and 85. (12/18)

- 3) The finish shall be either matte or satin. (12/18)
 - b. For the purpose of this Section, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color except as set forth below. (12/18)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (1/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this Standard. (12/28)

C. Commercial Accessory Structures

1. Commercial Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence, **OR**, with the exception of trash receptacles, be screened by painting them the same color as the main color of the building. (12/18)
2. Trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers. (09/10)

D. Transit Facility Requirement

New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement. (7/09)

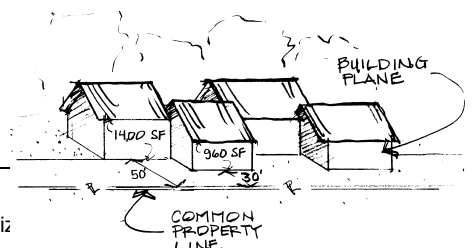
E. Transit Access

New retail, office and institutional buildings within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1 and 2 below. (12/18)

1. Walkways shall be provided connecting building entrances and streets adjoining the site; (7/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property; (7/09)
3. In addition to Subsections 1 and 2 above, sites at transit facilities must provide the following: (7/09)
 - a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection; (7/09)
 - b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site; (7/09)
 - c. A transit passenger landing pad accessible to disabled persons; (7/09)
 - d. An easement or dedication for a passenger shelter if requested by the transit provider; and (7/09)
 - e. Lighting at the transit facility. (7/09)

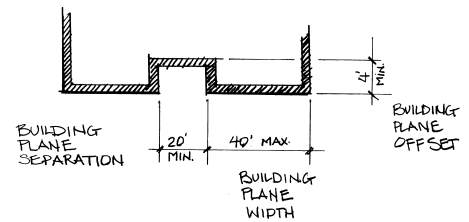
F. Multifamily Design. Multifamily structures shall create a form and scale to provide interest and aesthetic appeal. (12/18)

1. In addition to the requirements outlined in 2.315.06 all new multifamily buildings shall include a minimum of 3 significant different materials and textures in the design of the exterior building facade. (12/18)
2. Building planes for multifamily dwellings facing property lines or the street shall be subject to the following Standards: (12/18)
 - a. No building plane shall exceed 960 square feet within 30 feet of the property



line. No building plane that faces the common property line shall exceed 1,400 square feet within 50 feet of the property line. (12/18)

- b. No building plane shall have a greater dimension than 40 feet in length or 35 feet in height. (10/15)
- c. If more than one building plane faces a street or property line and the building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For the purposes of this Standard, “common distance” shall be defined within 12 feet. (12/18)
- d. When a structure along a wall juts out from the wall, or is offset from an adjacent part less than 4 feet, the structure is considered part of the building plane of a wall behind it. If the structure protrudes greater than 4 feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distance are measured. (12/18)



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

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall conduct a concurrent Development Review. As part of that review, a determination of the proposal's conformance with the provisions of this Section shall be determined. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the Standards or as a Design Alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this Section. (12/18)

2.315.08 Criteria for Development Standard Alternative Approval

The Planning Commission or City Council (for properties within Keizer Station) may approve the proposed design alternatives, or approve them with conditions through a Development Standards Alternative application, if it finds the alternative design can meet the purpose and intent of this Section and be successfully applied to a particular property. (12/18)

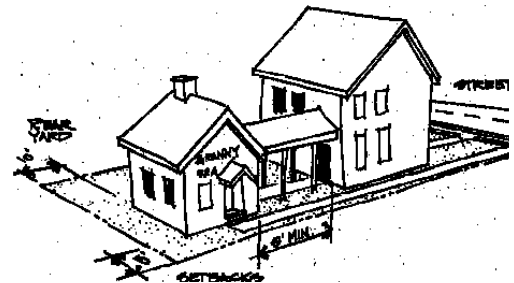
2.403 SHARED HOUSING FACILITIES

In zones permitting single family dwellings, an Accessory Dwelling Unit (ADU) may be allowed subject to the standards in this section. An ADU may be a detached building, in a portion of a detached accessory building (e.g. part of/above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g. an addition or conversion of an existing floor). (1/19)

2.403.01 Attached Accessory Dwelling Unit (1/19)

Where permitted as a special use, attached Accessory Dwelling Units shall meet the following use and development standards. (1/19)

- A. Orientation and Access. A structure with an attached ADU shall not have more than one front entry facing the same direction. Entries on different building frontages, or shared entries shall be required. Only one attached garage and driveway is allowed for a property containing an attached ADU. (1/20)
- B. Dwelling Units. The building must contain not more than two dwelling units and there must be no more than 1 total ADU per lot. ADUs are not included in minimum or maximum density calculations. (1/20)
- C. Area Requirements. Square footage of the attached ADU is limited to 40% of the total dwelling square footage excluding garage or accessory structure. The attached ADU must contain at least 300 square feet of floor area and the primary dwelling must contain at least 600 square feet of floor area. Area requirements do not apply to the conversion of an entire level or floor. (1/20)
- D. Ownership. An attached ADU 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. (1/19)
- E. Design. The building must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/20)



Accessory Dwelling Unit

2.403.02 Detached Accessory Dwelling Unit (1/19)

Where permitted as a special use, a detached Accessory Dwelling Unit shall meet the following use and development standards. (1/19)

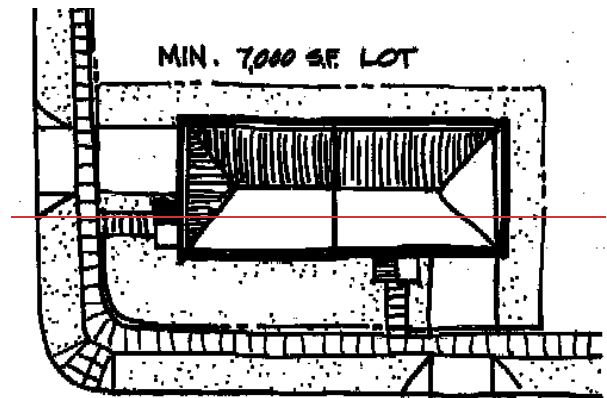
- A. Location. Except as allowed below, the detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (1/19)
- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. If located in the front yard, the applicant must show that the design of the ADU 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. (1/19)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply: (1/20)
 - 1. Additional off-street parking space(s) must be provided within or adjacent to an existing driveway. Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (1/20)
 - 2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
- D. Design. The detached ADU must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/19)
- E. Area. The detached ADU shall be no larger than 750 square feet in total area. (1/19)
- F. Setbacks and Height. The minimum rear yard setback shall be 5 feet for a 1 story structure and 10 feet for a 2 story structure, unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall be 5 feet. The maximum height shall be 25 feet, and in no case may the detached ADU be taller than the primary home. (1/19)
- G. Ownership. A detached ADU 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. (1/19)
- H. Dwelling Units. The lot or property shall contain no more than 1 total ADU. ADUs are not included in minimum or maximum density calculations. (1/20)
- I. Building Conversion. Conversion of an existing accessory structure to a detached ADU shall be allowed, subject to the following standards. (1/19)

1. If the existing building is setback less than 3 feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure. (1/19)
2. Conversion of an existing legal non-conforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the non-conformity. (1/19)
3. The area of the detached ADU is limited to a maximum of 750 square feet regardless of the total area of the existing structure. Any additional square footage may not be accessible from the interior of the ADU, and may only be used as an accessory structure use for non-dwelling purposes. (1/19)

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)~~



Duplex

~~2.404 ZERO SIDE YARD DWELLING UNITS~~

~~Zero side yard dwelling units may include attached single family homes on individual platted lots or detached single family homes located contiguous to a lot line. Where permitted as a special use, zero side yard dwelling units shall meet the following use and development standards. (01/02)~~

~~A. Permitted development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot. (5/98)~~

~~B. Setbacks~~

~~1. Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone. (5/98)~~

~~2. Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply. (5/98)~~

~~C. Lot Size and Dimensions. Any lot that is part of an attached zero lot line development with more than two units may be less than the minimum lot size permitted in the zoning district provided that the average lot size of all lots in the development meets the density and minimum lot size requirements for the zone. The minimum lot width for zero lot line development providing attached dwellings shall be 20 feet. (01/02)~~

~~D. Building separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least ten (10) feet. (01/02)~~

~~E. Maintenance easement. As a condition of issuance of a building permit for any building having a wall contiguous to a property line that is unattached, the applicant shall furnish an easement from the owner of the property adjacent to the wall providing for ingress, egress, and use of the adjacent property for the purpose of maintenance, repairing, and replacing the premises. (5/98)~~

~~F. Accessory buildings. The provisions of this section apply to accessory as well as main buildings. (5/98)~~

~~G. Blank Wall Standards. To avoid blank walls along a common lot line, one or more of the following wall treatments shall be used along any zero lot line wall that is visible from the public right of way. (01/02)~~

~~1. Recessed or raised areas; (01/02)~~

- ~~2. Variations in material, patterns, or texture; (01/02)~~
 - ~~3. Trellises, arbors, climbing vines or other landscaping enhancement treatments; (01/02)~~
 - ~~4. Architectural detailing, such as cornices, pilasters, or trim; (01/02)~~
 - ~~5. Innovative lot schemes and site plans which reduce the visual impact of the blank wall. (01/02)~~
- ~~H. Maintenance. A five (5) foot wide maintenance easement shall be provided across the adjoining property for the benefit of any detached dwelling or zero lot line structure abutting a property line. For attached dwellings, maintenance provisions shall be provided by a common/party wall agreement or other recorded document. (01/02)~~
- ~~I. Attached Dwellings. Attached dwellings are allowed on smaller lots as prescribed in permitted zones. To reserve more area within a residential lot as usable outdoor space, attached dwellings shall be joined along a common wall for a distance of no less than one story for at least 10 feet. (01/02)~~

2.432 COTTAGE CLUSTER DEVELOPMENT

2.432.01 Purpose and Design Principles

This Section establishes standards for cottage cluster developments that are intended as an alternative development type that provides usable common open space in low- and medium-density residential areas development; allows for a variety of housing types both detached as well as attached; promotes interaction and safety through design; ensures compatibility with surrounding neighborhoods; and provide opportunities for creative infill development. ~~It is intended to be a flexible development alternative similar to the planned unit development alternative whereby many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features.~~ Successful cottage cluster development projects can foster community and ensure a balance between privacy, security and neighborhood interactions through careful consideration of the following design principles: (6/14)

- A. Shared Open Space and Active Commons. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight, thereby enhancing a sense of security and identity. (6/14)
- B. Common Buildings. An advantage of living in a cottage development is being able to have shared buildings such as a tool shed, outdoor barbeque, or picnic shelter or a multipurpose room. (6/14)
- ~~C. Adequate Parking that does not dominate. Parking areas should be screened from adjacent parcels and adjoining public streets. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes. (6/14)~~
- ~~D. Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space are important to creating strong community connections. (6/14)~~
- C. Smaller, High-Quality, Well-Designed Dwellings. Smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood. (6/14)

2.432.02 Permitted Building Types Within Cottage Cluster Developments

- A. Cottage cluster development cottages (Section 2.432.04.A). (6/14)

~~B. Two-unit structures (Section 2.432.04.B). (6/14)~~

- B. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use (Section 2.432.04.C). (6/14)
- C. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.D). (6/14)
- D. Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking and storage buildings. However, they shall not be permitted within common area. (6/14)

2.432.03 Site Requirements

- A. Ownership options. ~~Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law. Cottage cluster developments may be on a single lot under single ownership, or cottage units may be on individual lots that are individually owned. Cottage clusters are eligible for middle housing land divisions, which would create individual lots for each unit and allow for fee simple ownership of the individual cottages and land they sit upon. Common ownership of or easements for the use of common areas or facilities still would be needed.~~
- B. Development Standards
 - 1. Parent parcel. The parent parcel, which shall encompass the entire cottage cluster development, and shall be at least the minimum lot size established for cottage clusters in the underlying zone (7,000 square feet) 30,000 square feet. The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city's regulations or with middle housing land division standards and requirements. (6/14)
 - 2. Cottage lots. There is no minimum lot size for the individual cottage lots.
 - 3. Density. Cottage cluster development must meet a minimum density of 4 units per acre. There is no maximum density for cottage clusters. The standards from the base zone shall apply. (6/14)
 - 4. Average Minimum Lot Width and Depth. There is no minimum lot width or depth for the individual cottage lots. (6/14)
 - 5. Maximum Lot Coverage. There is no maximum lot coverage for the individual cottage lots or a cottage cluster parent lot. (6/14)

6. Maximum Height. Twenty-five (25) feet. (6/14)
7. Minimum Setbacks. See the setback standards for underlying residential zone. (6/14)

Table 2.432-1 (6/14)

SETBACKS	
Front	15 feet
Side	5 feet
Rear	10 feet
Street-side	10 feet
Garage entrance	20 feet

*Interior units on a common lot or separate lots shall be spaced at least 10 feet apart. If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy. (6/14)

8. Minimum Landscape Requirement. The standards from the base zone shall apply. (6/14)

C. Lot/cottage arrangement (6/14)

1. Cottage cluster developments shall contain a minimum of ~~four~~ three cottages and no more than 8 cottages per common open space allowed in the underlying zone by density. (6/14)
2. Cottages shall be arranged around a common open space, and ~~each~~ at least 50% of the cottages shall have frontage with a primary entrance on the common open space. Cottages that do not have a primary entrance that faces the common open space either must have their primary entrance face the street, or a sidewalk or pedestrian path that is directly connected to the common open space. (6/14)
3. ~~Units along the public right-of-way should have their primary entrance facing the public right-of-way.~~
4. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, or elsewhere on the development site. (6/14)
5. Cottage cluster developments shall be limited to one cluster with one common space.

D. ~~Private and~~ Common space. (6/14)

1. ~~Common Space.~~ (6/14)

1. Common space is a defining characteristic of a cottage housing development. A minimum of ~~400~~ 150 square feet of common open space per unit shall be provided. (6/14)
2. The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area. (6/14)
3. The common space must be a minimum of 15 feet wide at its narrowest dimension.
2. ~~Private Space.~~ (6/14)
 - a. ~~A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.~~ (6/14)

E. Frontage, access, parking, and vehicular circulation. (6/14)

1. Frontage. The parent parcel shall have frontage on a public street. (6/14)
2. If individual lots are created within the development, at least two sides of the common area shall be abutted by cottage child lots. ~~each lot shall abut a common area, but is not required to have public street frontage.~~ (6/14)
2. Access. Access to individual dwelling units will be provided meeting city and fire district standards. (6/14)
3. Parking. A minimum of ~~two~~ one off street parking spaces per unit shall be provided. (6/14)
4. Parking structures and/or garage structures shall not be located: ~~behind or to the side of the residential area and open space~~ (6/14)
 - a. Within 20 feet from any street property line, except alley property lines.
 - b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
5. ~~Parking areas,~~ Shared parking structures and shared parking lots, and ~~garages~~ shall be screened from public streets by landscaping or architectural screening that is at least three feet tall. (6/14)
6. If the property has frontage on a public alley, access and parking may be provided from the alley. (6/14)
7. If individual lots are created, and shared parking is provided, parking and access shall be provided in a common area with access easement. (6/14)

8. Individual off-street parking spaces may be allowed for each cottage.

~~F.~~ Screening and Landscaping. (6/14)

To ensure that cottage developments do not create adverse visual impacts for residents of both the cottage development and adjacent properties the following requirements shall be adhered to: (6/14)

1. ~~Where feasible, c~~ Cottage developments ~~should~~ shall be designed to retain existing significant trees (at least twelve inches in diameter) that do not pose a safety hazard, as determined by a certified arborist. Significant trees that are removed must be replaced elsewhere on the site, per Section 2.309. (6/14)
2. ~~Landscaping located in Common~~ open spaces shall include pathways for be designed to allow for easy pedestrian circulation and access to each cottage and the community building if one is provided. Landscaping in common open spaces must be located and maintained to not block pedestrian pathways and use of the space by all residents, and to facilitate maintenance needs. (6/14)
3. ~~Landscaping Plan to be submitted and approved. Boundaries between cottage developments and neighboring properties shall be screened with landscaping and fencing as identified in 2.432.03.G.2 in order to reduce the appearance of bulk or intrusion onto adjacent properties or may be otherwise treated through increased building setbacks or architectural techniques to meet the intent of this section.~~ (6/14)

~~Additional screening and buffering may be required to help mitigate any compatibility issues between the cottage cluster development and adjacent properties.~~ (6/14)

~~G.~~ Fences. (6/14)

1. No fence taller than 3 feet in height shall be located between the front wall of a cottage or community building and the common open space. (6/14)
2. ~~A 6 foot high sight obscuring fence shall be placed along the property line adjacent to any residential single family use. (6/14)~~

~~H.~~ Utilities. (6/14)

1. ~~Streets. Street improvements shall be required for all cottage cluster developments that contain 4 or more dwelling units. Street improvements may include street widening, curb, gutters, and sidewalks. All street improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)~~

~~Water. An individual water meter servicing each dwelling unit will be required unless there is an ownership association or the property is under a single ownership in which case a single water meter servicing an individual building of multiple units is allowed. All water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)~~

2. ~~Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots. All sanitary sewer design and construction shall comply with the standards of the City of Salem. (6/14)~~

3. ~~Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or extended in a utility easement to individual lots. (6/14)~~

~~Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation. In addition, a trash and recycling plan will be required. (6/14)~~

4. ~~Mailboxes. Mailboxes are subject to post office requirements. (6/14)~~
5. ~~Storm water. The development of the property shall comply with all city regulations regarding storm water drainage including on-site detention and water quality requirements. All storm water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)~~

- ~~4.~~ H. Addressing. All units within the cottage cluster development shall be addressed consistent with city standards. (6/14)

2.432.04 Building Requirements

A. Cottages and Cottage Cluster Design. (6/14)

1. Building footprint. Cottages shall have a maximum building footprint of ~~4,000~~ 900 square feet. Up to 200 feet of A an attached ~~one-car garage is not included in~~ may be excluded from this maximum, ~~but shall not exceed 300 square feet per unit.~~ (6/14)

~~2. Porches. Attached, covered porches are required and shall have minimum depth of 6 feet and shall be a significant feature of the structure.~~ (6/14)

~~3-2. Cottage Cluster Development Design. Cottage cluster developments are subject to the design requirements established in Section 2.314. Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. Cottage development structures shall provide for substantial exterior architectural elements that are consistent with traditional northwest cottage design and small home craftsmanship design elements. Roofs of cottage developments shall have eaves to efficiently shed rain and provide protection for exterior walls.~~ (6/14)

~~4-3. Height. Cottages shall comply with the height limitation of 25 feet or two stories, whichever is greater. and are limited to a maximum of single story plus a loft.~~ (6/14)

~~5. Street facing facades. The street facing facades of cottages in a cottage development shall avoid blank walls that appear to "turn their backs" to the street. This shall be avoided by providing design features such as windows, change in building material, entryway, porches or other design features.~~ (6/14)

~~B. Two-Unit Structures in RS zone.~~ (6/14)

~~1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages.~~ (6/14)

~~2. Attached two-unit structures shall have one primary shared entry facing the common open space.~~ (6/14)

~~C. More than two units structures in other zones.~~ (6/14)

- ~~1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages. (6/14)~~
- ~~2. Attached structures with more than two units shall have one primary shared entry facing the common open space. (6/14)~~

B. Community Buildings. (6/14)

1. Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. (6/14)
2. A community building shall be of similar scale, design, and height subject to the same design and height standards as the cottages. (6/14)
3. Commercial uses are prohibited in the community building. (6/14)

C. Accessory Structures. (6/14)

1. Accessory structures such as garages, carports, storage or tool sheds shall not exceed 300 square feet per unit, or 600 square feet per accessory structure that is shared by two or more dwelling units. (6/14)
2. The design of accessory structures must use at least two of the same design elements that are used for ~~be similar or compatible with that of the~~ cottages in the development. (6/14)

D.. Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased. (6/14)

E. Renovation and Expansion. (6/14)

1. Renovations shall follow the same size and design standards that are required ~~be in keeping with the size and architectural character~~ of the new development. (6/14)
- ~~2. A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this Section shall be recorded against the property. (6/14)~~

F. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

1. The existing dwelling may be nonconforming with respect to the requirement of this code.

2. The existing dwelling may be expanded up to the maximum height allowed for cottage clusters (25 feet) or the maximum building footprint allowed for cottage clusters (900 square feet).
3. The existing dwelling shall be excluded from the calculation of orientation toward the common area.

2.432.05 Submittal Requirements

- A. ~~Application Process. Applications for all cottage cluster development, with or without the creation of any lots shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section. (6/14)~~
- B. ~~Submittal Material. The following submittal requirements shall apply to all applications for a cottage cluster development. (6/14)~~
 1. ~~All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (6/14)~~
 2. ~~Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (6/14)~~
 - a. ~~Appropriate identification stating the drawing is a preliminary plan. (6/14)~~
 - b. ~~North point, scale and date. (6/14)~~
 - c. ~~Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (6/14)~~
 - d. ~~Assessor Map and tax lot number of subject property. (6/14)~~
 - e. ~~The property lines and approximate area of the subject property. (6/14)~~
 - f. ~~Dimensions and size in square feet or acres of all proposed parcels. (6/14)~~
 - g. ~~The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (6/14)~~

- ~~h. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application. (6/14)~~
 - ~~i. Name of the proposed cottage cluster development. (6/14)~~
 - ~~j. Date the drawing was produced. (6/14)~~
 - ~~k. Vicinity sketch showing location of the proposed land division. (6/14)~~
 - ~~l. Identification of each lot or parcel and block by number. (6/14)~~
 - ~~m. Gross acreage of property being subdivided or partitioned. (6/14)~~
 - ~~n. Direction of drainage and approximate grade of abutting streets. (6/14)~~
 - ~~o. Streets proposed and their names, approximate grade, and radius of curves. (6/14)~~
 - ~~p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (6/14)~~
 - ~~q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (6/14)~~
 - ~~r. All areas to be offered for public dedication. (6/14)~~
 - ~~s. Elevations of buildings showing materials, colors and design of buildings to be constructed and how they will be compatible with adjacent residences. (6/14)~~
- ~~C. Supplemental Information. The following supplemental information shall be required for all applications: (6/14)~~
- ~~1. Calculations justifying the proposed density of development. (6/14)~~
 - ~~2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (6/14)~~
 - ~~3. The approximate location and dimensions of all structures proposed to be located on the site. (6/14)~~
 - ~~4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and the proposed timing for such improvements. (6/14)~~
 - ~~5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (6/14)~~

6. ~~Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code.~~ (6/14)

2.432.06 Review Procedures

- A. ~~Cottage cluster development in RM, RL, RH, and MU zones without creating any new lots is subject to meeting the standards in Section 2.432. Cottage cluster development proposals in the RM, RL, RH, and MU zones that propose to create new lots is subject to the approval of a conditional use permit as a Type II-C review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures.~~ (9/18)
- B. ~~Cottage cluster development proposals in the RS zone is subject to the approval of a conditional use permit as a Type II-C review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures.~~ (9/18)
- C. ~~The creation of individual lots does not require the submittal of a concurrent subdivision (or partition) application as specified in Section 3.108 as the division of land as part of the cottage cluster development process is considered to be a separate land use process but must still comply with all applicable platting procedures.~~ (6/14)
- D. ~~All cottage cluster development proposals in RM, RL, RH, and MU zones not dividing land shall be consistent with the Special Use requirements outlined in this Section.~~ (6/14)
- E. ~~All cottage cluster developments which seek to create lots in any zone which a cottage cluster development is permitted, or a cottage cluster development proposal in an RS zone (with or without the creation of any lots) shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.202.04.~~ (6/14)
- F. ~~Time Limit. Approvals of any preliminary plans for a cottage cluster development shall be valid for one year after the date of the written decision. A Final Plat shall be recorded within this time period or the approvals shall lapse.~~ (6/14)
- G. ~~Time Extension. The City staff may extend the approval period for a cottage cluster development for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing at least thirty days prior to the expiration date of the approval period.~~ (6/14)
- H. ~~Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.~~ (6/14)

2.432.07 Approval Criteria

~~In addition to the criteria within Section 3.103.03 cottage cluster developments with the creation of lots in the RM, RL, RH, or MU zone, or for a proposal in an RS zone regardless if any lots are created the following criteria apply:-(6/14)~~

- ~~A. The application complies, or can be made to comply with all applicable standards for cottage cluster development. The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property.-(6/14)~~
- ~~B. Whether or not lots are created as part of the cottage cluster development, all provisions of the KDC pertaining to frontage improvements along any public street frontage shall apply. Improvements within the cottage development shall be as specified in this Section.-(6/14)~~
- ~~C. The proposal complies with the density provisions of the underlying zone.~~
- ~~D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact.-(6/14)~~
- ~~E. Each parcel shall comply with the applicable requirements, depending on the appropriate land use category in Table 2.301.03, within Sections 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); and 2.309 (Site and Landscaping Design).-(7/21)~~
- ~~F. Adequate public facilities shall be available to serve the existing and newly created parcels.-(6/14)~~

2.432.08 Improvement Requirements

~~All improvements required as part of a cottage cluster development application shall be done in accordance with the relevant sections of the Keizer Development Code.-(6/14)~~

2.432.09 Process for Final Plat Approval

- ~~A. Survey. Within 1 year of the final decision approving a plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. A one-time one-year extension may be granted by the Community Development Director provided that no code revisions have been adopted by City Council that might otherwise affect the partition as~~

~~proposed. Applicant shall submit written extension request at least thirty days prior to expiration of decision. (6/14)~~

- ~~B. Final Approval. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat by signing the final plat. (6/14)~~
- ~~C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor. (6/14)~~
- ~~D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B. (6/14)~~
- ~~E. Owners Association. Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. (6/14)~~
 - ~~1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat. (6/14)~~
 - ~~2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. (6/14)~~
 - ~~3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review. (6/14)~~
 - ~~4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat. (6/14)~~
- ~~F. Names. All plat names shall conform to ORS 92.090. (6/14)~~
- ~~G. Filing Final Plat. The final plat shall be filed with the Marion County Clerk's Office. (6/14)~~

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. Property Line Adjustment (6/16)
 - 3. Conditional Use (except Transit Station) (5/09)
 - 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 Detached Accessory Dwelling Unit (Front Yard) (1/19)
- 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: (7/03)
1. Variance (Major) (7/03)

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 3.202.04. Staff has an advisory role. The City Council shall hold a public hearing and make the decision. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (12/18)
1. Transit Station (5/09)
 2. Designation or Removal of a Historic Resource (9/18)
 3. Development Standards Alternative within Keizer Station (12/18)

- C. Type II-C: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-C actions follow the procedures found in Section 3.202.04. 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 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-C procedure: (12/18)
1. Nursing and Residential Care Facilities (6/11)
 - ~~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)~~
 4. Permit for demolition, modification, or moving of a Historic Resource (9/18)
 5. Development Standards Alternative (12/18)

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)
- E. Keizer Station Master Plan Amendment (10/18)
- F. Lockhaven Center Master Plans (see Section 2.130.08) (12/19)

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 and MIDDLE HOUSING LAND DIVISION APPLICATION PROCESS (12/19)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	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) (5/09)	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

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Property 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
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Alternative Design Review for Detached Accessory Dwelling Unit (Front Yard) (1/19)	I-C	Recommendation to Planning Commission		Final Decision	Appeal of Planning Commission Decision
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
Transit Station (5/09)	II-B	Recommendation to City Council			Final Decision
Designation or Removal of a Historic Resource (9/18)	II-B	Recommendation to City Council			Final Decision
Development Standards Alternative (12/18)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Development Standards Alternative within Keizer Station (12/18)	II-B	Recommendation to City Council			Final Decision
Nursing and Residential Care Facilities (6/11)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Cottage Cluster Development as a Conditional Use (6/14)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Permit for demolition, modification, or moving of a Historic Resource (9/18)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm 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	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Amendment	III	Recommendation to City Council			Final Decision
Lockhaven Center Master Plan	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
<u>Middle Housing Land Division (1)</u>	<u>N/A</u>	<u>Final Decision</u>	<u>Appeal of Staff Decision (2)</u>		
<u>Expedited Land Division (1)</u>	<u>N/A</u>	<u>Final Decision</u>	<u>Appeal of Staff Decision (2)</u>		

(1) Per ORS 197.360, Middle Housing Land Divisions and Expedited Land Divisions are not land use decisions or limited land use decisions under ORS 197.015 or permits under ORS 215.402 or 227.160.

(2) ORS 197.375 establishes the requirements for appeals of Middle Housing Land Divisions and Expedited Land Divisions. An appeal of the Hearings Officer Decision is heard by the Court of Appeals.

3.115 MIDDLE HOUSING LAND DIVISIONS

3.115.01 Purpose

This chapter provides standards and procedures for middle housing land divisions (MHLD), in accordance with state law. An MHLD is an expedited land division of a lot or parcel on which the development of middle housing is allowed under state law. The purpose of an MHLD is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables middle housing dwelling units to be sold and owned individually.

3.115.02 Applicability

MHLD can be applied to a lot or parcel with middle housing, as defined by this Code and allowed under state law and administrative rules. Middle housing types that are eligible for an MHLD include duplexes, triplexes, quadplexes, townhouses, and cottage clusters. An MHLD is the creation of multiple parcels from a single parent lot on which middle housing is developed or proposed, which results in individual lots for each housing unit. After an MHLD is applied to a property, each resulting lot or parcel becomes a middle housing child lot. The development is still subject to the requirements and standards that applied to the middle housing parent lot, or the original lot prior to an MHLD. In other words, the middle housing development is still defined and regulated as the original middle housing type after a MHLD is applied to the property (e.g., a duplex that undergoes a MHLD does not become a townhouse development – the structure and property are still subject to requirements/standards for duplexes). The MHLD process follows the procedures defined by state law and the development code.

3.115.03 Application and Fee

An application for an MHLD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

3.115.04 Submittal Requirements

A. A preliminary plat for the middle housing development as it relates to the existing lot, containing the following information:

1. Drawn to scale;
2. The boundaries, dimensions, and area of the lot;
3. The location, width, and names of all proposed streets, flag lot accessways, and public accessways including those abutting the perimeter of the lot;
4. The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the distance of such buildings and

- accessory structures to all property lines and adjacent on-site structures and identification of any that will be removed;
- 5. The location of all existing and proposed off-street parking and vehicle use areas;
- 6. The location of all existing and proposed trees.
- 7. The location of all existing or proposed public utility connections.
- 8. Existing or proposed easements necessary for each dwelling unit on the plan.
- C. A written statement providing a description of the manner in which the proposed division complies with the criteria in Section 3.115.06.
- D. Draft copies of all necessary easements for review by the City Attorney.

3.115.05 Process for Middle Housing Land Division Review

- A. Preliminary Plat Procedures for Middle Housing Land Division. Unless the applicant requests to use the procedure set forth in 3.202.02, the City shall use the following procedure.
 - 1. Completeness Review.
 - a. If the application for an MHL D is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing information. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
 - b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
 - 2. Notice of Application.
 - a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent

- property tax assessment roll. For purposes of appeal to the referee, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
- b. The notice shall include the following:
- i. The deadline for submitting written comments;
 - ii. A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period; and
 - iii. A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue.
 - iv. The applicable criteria for the decision.
 - v. The place, date, and time that comments are due.
 - vi. A time and place where copies of all evidence submitted by the applicant will be available for review.
 - vii. The street address or other easily understood geographical reference to the subject property.
 - viii. The name and telephone number of City contact.
 - ix. A brief summary of the process for the land division decision being made.
3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.
4. There shall be no public hearing on the application.
5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a completed application.
6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.115.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
- a. A summary statement explaining the determination; and
 - b. An explanation of appeal rights under state law.

8. The applicant, or any person or organization who files written comments in the comment period established under 3.115.05.A.3, may appeal the Zoning Administrator's decision to the referee within 14 days of the mailing of the decision notice. The City may appoint the Hearings Officer as the referee. An appeal shall be accompanied by an appeal application and appeal fee.
9. An appeal shall be based solely on the following types of allegations:
 - a. A violation of the substantive provisions of the applicable land use regulations;
 - b. Regarding the unconstitutionality of the decision;
 - c. That the application is not eligible for review under state Middle Housing laws or regulations or Section 3.115.02 and should be reviewed as a land use decision or limited land use decision.
 - d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
 - e. Any other allegation specifically provided by state law.
10. The referee shall decide the appeal decision and the referee shall comply with state law when issuing a decision. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

3.115.06 Middle Housing Land Division Review Criteria

- A. Approval of a preliminary plat for a MHLD will be granted if the Zoning Administrator finds that the applicant has met all of the following criteria:
 1. Existing Compliance. The middle housing development complies with the Oregon Residential Specialty Code and applicable KDC middle housing regulations. To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and KDC middle housing regulations.
 2. Separate Utility Connections. To qualify for a MHLD separate utility service connections for public water, sewer must be present for each dwelling unit.
 3. Easements. Formal easements will be provided as necessary for each dwelling unit on the site for:

- a. Locating, accessing, replacing, and servicing all utilities;
 - b. Minimum 5-foot wide pedestrian access from each dwelling unit to a private or public road, consistent with KDC 2.315.06.A.7;
 - c. Any common use areas or shared building elements;
 - d. Any dedicated driveways or parking;
 - e. Any dedicated common area.
 - f. Access easements for private streets shall comply with 2.302.08.
4. One Dwelling Unit per Lot. Exactly one dwelling unit will be located on each resulting child lot, except for lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted. Resulting child lots may have accessory structures provided the accessory structure complies with applicable zoning requirements.
5. Comply with Building Code. Buildings or structures on a child lot will comply with applicable Building Code provisions relating to new property lines.
6. Notwithstanding the creation of new child lots, structures or building located on the newly created lots will comply with the Oregon Residential Specialty Code.
7. Frontage improvements. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated prior to the creation of the child lot, pursuant to 2.310.05.C. Street frontage improvements or additional right-of-way must be completed or guaranteed prior to the MHL D.
- B. Preliminary Plat Conditions of Approval.
 1. The preliminary plat for a MHL D shall:
 - a. Prohibit further division of the resulting child lots.
 - b. Require that a notation appear on the final plat indicating:
 - I. The approval was given under ORS Chapter 92.
 - II. The type of middle housing approved on the parent lot and noting that this middle housing type is still subject to development requirements and standards that apply to the original middle housing development prior to the middle housing land division.

- III. Accessory dwelling units are not permitted on child lots resulting from a middle housing land division.
- 2. The City shall not attach conditions of approval that a child lot require driveways, vehicle access, parking, or minimum or maximum street frontage.

3.115.07 Process for Final Plat of Middle Housing Land Divisions

Final Plat Review Criteria. Approval of a final plat for a MHLD shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the MHLD.
- B. Final Approval. If the MHLD plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- C. Building Permit. A building permit for all new middle housing structures must be issued before the final plat is recorded with the County Recorder.
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City as provided for in 3.202.05.B.
- E. Public Utilities. Prior to issuance of an occupancy permit, all public utilities for each individual unit shall be constructed or guaranteed.

3.116 Expedited Land Divisions

3.116.01 Purpose

An expedited land division (ELD) is an alternative land division procedure for land zoned for residential use. Application and review timelines for ELDs can be shorter than standard land division timelines. ELDs shall be defined and may be used as provided under state law.

3.116.02 Applicability

An ELD applies to the following:

- A. Includes only land that is zoned for residential uses.
- B. Is solely for the purposes of residential use, including recreational or open space uses accessory to a residential use.

3.116.03 Application and Fee

An application for an ELD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

3.116.04 Submittal Requirements

- A. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned unit development instead of the regular procedure type, must request the use of the ELD in writing at the time the application is filed, or forfeit the right to use it.
- B. Submittal shall follow the submittal requirements for whichever standard land division procedure that the ELD substitutes, which may include Partitions (3.107.05), Subdivisions (3.108.04), or Planned Unit Developments (3.108.04).

3.116.05 Process for Expedited Land Division Review

Review Procedure. All applications for expedited land divisions shall comply with state law, the Keizer Comprehensive Plan, and zoning designation. State law details the criteria, application and notice requirements, and action and appeal procedures for ELD.

- A. Preliminary Plat Procedures for Middle Housing Land Division. Unless the applicant requests to use the procedure set forth in 3.202.02, the City shall use the following procedure, as described in state law.
 - 1. Completeness Review.
 - a. If the application for an MHL is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing

information. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

- b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

2. Notice of Application.

- a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under state law, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
 - b. The notice shall include the following:
 - i. The deadline for submitting written comments;
 - ii. A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period; and
 - iii. A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue.
 - iv. The applicable criteria for the decision.
 - v. The place, date, and time that comments are due.
 - vi. A time and place where copies of all evidence submitted by the applicant will be available for review.
 - vii. The street address or other easily understood geographical reference to the subject property.
 - viii. The name and telephone number of City contact.
 - ix. A brief summary of the process for the land division decision being made.
3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.
4. There shall be no public hearing on the application.

5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a completed application.
6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.116.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
 - a. A summary statement explaining the determination; and
 - b. An explanation of appeal rights under state law.
8. The applicant, or any person or organization who files written comments in the comment period established under 3.116.05.A.3, may appeal the Zoning Administrator's decision to the referee within 14 days of the mailing of the decision notice. The City may appoint the Hearings Officer as the referee. An appeal shall be accompanied by an appeal application and appeal fee.
9. An appeal shall be based solely on the following types of allegations:
 - a. A violation of the substantive provisions of the applicable land use regulations;
 - b. Regarding the unconstitutionality of the decision;
 - c. That the application is not eligible for review under state Expedited Land Division laws or regulations or Section 3.116.02 and should be reviewed as a land use decision or limited land use decision.
 - d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
 - e. Any other allegation specifically provided by state law.
10. The referee shall decide the appeal decision and the referee shall comply with state law when issuing a decision. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

3.116.06 Expedited Land Division Review Criteria

- A. For an ELD to be considered, the proposed division must demonstrate how it complies with the following:
 1. The parent lot is zoned for residential use.

2. The parent lot is solely for the purpose of residential use, including recreational or open spaces, accessory to residential use.

b. Preliminary and final plat, and notice requirements shall follow criteria in 3.116.03 – 3.116.05. These criteria are consistent with state law.

b. The land division will not provide for dwellings or accessory buildings to be located on land that is within the Floodplain Overlay zone (2.122), the Greenway Management Overlay zone (2.123) or the Resource Conservation Overlay zone (2.126).

c. The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Public Works Design Manual, and the Development Code.

d. The land division will result in development that either;

- i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
- ii. All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Marion County. A copy of a deed restriction or other legal mechanism approved by the Zoning Administrator shall be submitted.

3.116.07 Process for Final Plat of Expedited Land Division

Final Plan Review Criteria. Approval of a final plat for a ELD shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the ELD.
- B. Final Approval. If the ELD plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City as provided for in 3.202.05.B

III. Findings and Policies

C. Land-Use and Economic Development

[...]

4. RESIDENTIAL DEVELOPMENT GOALS, OBJECTIVES AND POLICIES

[...]

d. Goal 4 Provide and allow for appropriate levels of residential development consistent with comprehensive plan designations.

1) Objective 4.1 Provide for three general levels of residential density

a) Policies 4.1:

(1) Low-Density Residential

(a) Allow single-family and middle housing residential uses as the predominant land use type in low-density residential areas.

(b) Ensure that:

i. Land use is predominantly single-family or middle housing residential, with up to 8 units per gross acre.

ii. A variety of housing types are allowed in this category such as detached, attached duplex, triplex, quadplex, townhouses, cottage cluster housing, and manufactured housing. The zoning and subdivision ordinance will more specifically describe structural types. ~~In this district, each residential unit will be on a single lot.~~

(2) Medium Density Residential

(a) Allow a mix of housing types in this category at a density averaging from 6 to 10 dwelling units per acre. These densities do not apply to middle housing types. Identify criteria and location for this category in the zoning ordinance.

(b) Allow detached, attached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple family housing.

(3) Medium and High Density Residential

(a) Allow a mix of housing types in this category in two general levels of residential density:

i. Medium density – over 8 and up to 16 units per gross acre. The density maximum does not apply to middle housing.

ii. High density – over 16 units per gross acre. Identify criteria and location for these two sub-categories in the zoning ordinance.

(b) Allow attached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple housing in this category.

(4) Mixed Use

(b) Allow detached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple family housing.

Comments on Keizer's HB2001 work

I am writing this to share my thoughts on HB2001 and Keizer's efforts to comply with the requirements in that legislation.

Firstly, I completely support the passage of HB2001. By providing an even "playing field" in Oregon, there is less chance of a "race to the bottom" between cities.

The Middle Housing Project Overview included with the meeting packet includes that like "many communities across Oregon, Keizer is experiencing a housing shortage". Left to their own devices, I do not believe the current Keizer City Council or other powers that be in Keizer, as in much of the rest of the country, would take the essential action to address the housing shortage. This is not because they oppose people being housed. It's the cultural bias against development other than the suburban-style form. This bias has banned anything other than single family detached residential housing even though that is anti-free market, ahistorical and bad for the financial health of our city.

As proof to my point above, even with the legislation the Planning Commission packet includes "the proposed amendments represent the **minimum** requirements that Keizer must adopt to comply with the provisions of the legislation". We must view this housing shortage as a crisis. And in a crisis, we must act with equal force. We must not take half-measures because we're afraid of discomforting those who already are housed. They are naturally biased against anything that is different from what they see in their community. But this prohibits all but the more well-to-do from owning a home. The legislation provides enough safeguards to prevent high-rise construction next to a single-family home, as if that were even likely in Keizer. Keizer has a long way to go before a developer would think it a good place to build anything anywhere over three stories.

I want to particularly point out parking standards. One of the benefits of Missing Middle housing is that they increase land use efficiency while reducing vehicle miles traveled. Off-street parking undermines those benefits. I would encourage you to eliminate off-street parking minimums and set lower maximums, especially as the housing density increases. Public rights-of way are public and an adjacent landowner doesn't have exclusive right to using that area unless there is some special need. And in that same spirit, bike parking standards must be increased for commercial and residential uses.

What you approve of today will have ramifications for decades to Keizer's housing affordability, community character and financial health. We may give previous city leaders some leeway for the land-use restrictions they established because they didn't understand the negative effects of those restrictions, even if they came from an ideological bias. But you and I are living with those negative effects. Keizer must be bold and take the maximal steps in allowing for the construction of more housing types.

DRAFT FINDINGS

Findings regarding the adoption of amendments to Section 1.200 (Definitions), Section 2.102 (Single Family RS), Section 2.103 (Limited Density RL), Section 2.104 (Medium Density RM), Section 2.105 (High Density RH), Section 2.107 (Mixed Use MU), Section 2.130 (River-Cherry Overlay District RCOD), Section 2.303 (Off-Street Parking), Section 2.314 (Design Standards), Section 2.315 (Development Standards), Section 2.403 (Shared Housing), Section 2.404 (Zero-Side Yard Dwellings), Section 2.432 (Cottage Cluster Development), Section 3.101 (Application Types), Section 3.115 (Middle Housing Land Divisions), and Section 3.116 (Expedited Land Divisions) of the Keizer Development Code (KDC) and Chapter 10 (Housing) of the Keizer Comprehensive Plan.

The City of Keizer finds that:

1. General Findings.
The particulars of this case are found within Planning file Text Amendment Case 2022-01. Public hearings were held before the Planning Commission on April 13, 2022 and before the City Council on May 2, 2022. The Planning Commission voted unanimously in favor of the proposed revisions.
2. Criteria for approval are found in Section 3.111.04 of the Keizer Development Code. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the criteria are met. Amendments to the map shall be reviewed for compliance with all of the listed criteria in Section 3.1104, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given this is a text amendment, Section 3.111.04 A is not applicable.
3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**

Findings: The proposed revisions to the Development Code reflect a demonstrated need. A recent Housing Needs Analysis conducted by ECONW found that an estimated 21% of projected housing needs will be for middle housing types, including townhouses, duplexes, triplexes, and quadplexes. The proposed amendments to allow middle housing types in all residential zones and comply with HB 2001 will support the City in meeting the forecasted 20-year need for middle housing types.
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 amendments comply with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: In 2020, the Land Conservation and Development Commission (LCDC) adopted new administrative rules governing how some Oregon jurisdictions regulate middle housing and established a deadline for compliance of June 30, 2022.

Statewide Planning Goal 1 requires governing bodies charged with preparing and adopting a comprehensive plan to adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land use planning process. The City conducted work sessions with the Keizer Planning Commission in October 2021, December 2021, January 2022, February 2022, and March 2022, each of which was open to the public. The City also included information on the City's Website to provide the general public with information about the goals of the code update project and the proposed amendments to the Development Code.

The City of Keizer held a public hearing with the Planning Commission on April 13, 2022, and will hold a public hearing with the City Council on May 2, 2022. These hearings are open to the public and provide an opportunity for community members to comment on the required amendments. The City intends on amending the KDC to meet minimum compliance for HB 2001 and OAR 660-046. While it is important to provide opportunities for community input, comments on KDC amendments likely would have minimal impact on the outcome of the updates because, at a minimum, the City is required to comply with OAR 660-046 and HB 2001 and the City is generally recommending direct compliance with the OAR provisions for minimum compliance.

The City held a virtual, online open house and survey to share information about the project and HB 2001 and SB 458, and to solicit public input to help inform recommended amendments. The online open house and survey were advertised in the Keizertimes newspaper and City website. Planning staff also presented project information and solicited feedback at the West Keizer Neighborhood association meeting in Spring 2022. Information on the project was also distributed via email to the City's interested citizens mailing list in Spring of 2022.

The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes newspaper. Citizens were afforded the opportunity to participate in the public process. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this proposed planning process as is 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 city has an adopted comprehensive plan acknowledged by the state. The adoption proceeding was conducted in a manner consistent with the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. The

proposed revisions to the Keizer Development Code are consistent with this statewide planning goal and administrative rules. Statewide Planning Goal 2, Land Use Planning requires that local jurisdictions establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed amendments are intended to ensure consistency with state laws (House Bill 2001 and ORS 197.758) and administrative rules (OAR 660-046). These state laws require cities to allow middle housing in all areas zoned for residential use that allow for development of single-family detached dwellings. Proposed amendments to the Keizer Development Code add and revise land use development and review standards for middle housing types in the City's residential zone designations. These amendments are also consistent with Chapter 10 – Housing – of the Keizer Comprehensive Plan. These amendments are subject to public notice, an initial evidentiary hearing before the Planning Commission and a final review by the City Council. Thus, a well-established planning process and policy framework exists within the City and has been utilized to create and adopt the proposed amendments. Therefore, this criterion is satisfied.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city's SA zone is a state recognized EFU qualifying zone. The amendments involve modifications and clarifications to the RS, RL, RM, RH, MU, and RCOD zones, which apply to residential lands. The changes do not affect farm lands. These provisions do not affect lands that are outside the city limits or any lawful uses occurring on those lands, nor does it amend any of those existing zoning designations. The proposed amendments will comply with the Farm Land Goal and with implementing administrative rules. However, the amendments are supportive of the goal to encourage development within the UGB in a more compact and efficient land use pattern that helps to preserve agricultural lands.

Goal 4 – Forest Land: The intent of this goal is to protect lands designated for commercial forest uses. There are no zoning districts specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near, or adjacent to the city limits of Keizer. The amendments to the KDC do not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The proposed amendments will comply with this Goal and with implementing administrative rules.

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 has a wetland inventory of sites where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation

overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the city has storm water regulations to protect water quality of the local water ways. The proposed amendments will not preclude any of the city's natural resources protection regulations nor the lawful use of any properties that are within the City. The City's natural resource regulations will continue to apply and to protect Goal 5 resources and that there is no change to the standards related to water, air and sound quality. The City will limit the development of middle housing other than duplexes in significant natural resource sites identified and protected in the Resource Conservation Overlay Zone pursuant to Goal 5, as allowed by OAR 660-046. Therefore, the proposed text amendments will be consistent with this goal and with administrative rules which 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. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality in the Willamette River and 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 and are enforced by appropriate state agencies which govern air emission standards. The proposed revisions comply with this goal and with the 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. 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. 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. While there are some steep slopes in the northwest quadrant of the city, there are no mapped areas of steep slopes in Keizer that might warrant any special engineering. The proposed text amendments will neither impact this goal nor any administrative rules. The development restrictions and standards in these overlay zones that are intended to minimize risk will also apply to middle housing development.

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 parks, playgrounds, and recreational opportunities within the city limits and plans for the city's future

park and recreation needs. The proposed amendments will have no impact on the recreational activities that occur on any park land within the city and 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. Current employment needs were projected forward based on regional job growth estimates and target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years. The adopted Economic Opportunities Analysis found there is a net 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. The proposed text amendments will not have any adverse impact on the economic development activities or uses within the city and may allow the existing land supply to be more efficiently used by promoting more compact residential land use patterns through middle housing development. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: Per state requirements, local housing policies contained in a Comprehensive Plan must meet Oregon statewide planning Goal 10 and administrative rules that implement state land use planning statutes (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008). Goal 10 requires incorporated cities to complete a residential Buildable Lands Inventory (BLI) and Housing Needs Analysis (HNA). Goal 10 also requires cities to encourage the numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. Goal 10 defines needed housing types as “all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes.”

This goal requires the city to plan and provide for the housing needs of its residents. The adopted Housing Needs Analysis found that for the upcoming 20-year period that there will be a need for 4,513 new units to house the future population. The inventory of buildable residential lands contain a supply of 315.2 acres which are vacant, partially vacant or re-developable and can accommodate an estimated 2,422 units resulting in 2,090 units which must be accommodated beyond the City’s existing capacity. When this remaining land need is apportioned to Keizer’s residential zones, the HNA estimates a 20-year need of 267 gross acres of residential land. The proposed amendments will promote more efficient use of the City’s residential land supply by allowing denser forms of housing in existing residential zones. Specifically, amendments are recommended to expand housing types to comply with HB 2001 as implemented by Oregon Administrative Rules (OAR) in Chapter 660-046. Allowing middle housing types that were previously prohibited in zones that allow detached single-family housing will provide more housing choices within existing and new

neighborhoods and may result in housing that is more affordable than existing single-family detached housing development. The amendments will further enable development of middle housing types in these zones and will ultimately help the City meet their projected housing need. The proposed updates therefore support Goal 10.

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, an established street system, administrative services and police services. Sanitary sewer service is provided by the city of Salem through an intergovernmental agreement. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning period. Existing public facilities and services standards will apply to Middle Housing and the City's procedures for the review of building permits will continue to apply. As described in OAR 660-046, the City will apply these standards and will work with applicants developing Middle Housing to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a triplex, fourplex, townhouse or cottage cluster development application. As defined in 660-046-0020(16) "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:

- a. Connection to a public sewer system capable of meeting established service levels.
- b. Connection to a public water system capable of meeting established service levels.
- c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- d. Storm drainage facilities capable of meeting established service levels for storm drainage.

Therefore, the revisions 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. It inventories the existing systems and contains plans for improving these systems. The City's street/transportation standards will apply to Middle Housing to help ensure a safe transportation system. The increased density that could be provided by Middle Housing helps support a compact urban form which can be more transit-supportive and pedestrian and bicycle-friendly thus potentially reducing the number and length of automobile trips. The proposed text amendment will not affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding

Transportation Planning Rule compliance. The proposed text amendments will have no adverse impact on the city's transportation systems and will not affect this goal or any implementing 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. Middle housing development promotes more compact development with attached units that tend to be smaller than single-family detached, and therefore have the potential to offer improved energy efficiency per-unit compared to lower density, detached single family development. Therefore, proposed text amendments are consistent with this goal or and 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 amendments will affect only land that is within the city limits and will not impact the use of any land being transitioned from rural to urbanized uses and is therefore consistent with this goal. The proposed amendments are supportive of goal to achieve stable land use growth which results in a desirable and efficient land use pattern and discourage low-density sprawl. The amendments also support land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The revisions to the city's development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River Greenway Management overlay zone regulations. Therefore, the proposed amendments are consistent with this goal.

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 comply 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 text amendments will revise Section 1.200 (Definitions), Section 2.102 (Single Family RS), Section 2.103 (Limited Density RL), Section 2.104 (Medium Density RM), Section 2.105 (High Density RH), Section 2.107 (Mixed Use MU), Section 2.130 (River-Cherry Overlay District RCOD), Section 2.303 (Off-Street Parking), Section 2.314 (Design Standards), Section 2.315 (Development Standards), Section 2.403 (Shared Housing), Section 2.404 (Zero-Side Yard Dwellings), Section 2.432 (Cottage Cluster Development), Section 3.101 (Application Types), Section 3.115 (Middle Housing Land Divisions), Section 3.116 (Expedited Land Divisions) of the Keizer Development Code (KDC), and Chapter 10 (Housing) of the Comprehensive Plan.

House Bill 2001 was adopted by the Oregon State Legislature in 2019, and it requires cities with populations over 25,000 to allow duplexes, triplexes, quadplexes, townhouses, and cottage clusters in every residential zone that allows single-family detached housing. Keizer has a population over 25,000, and therefore the City is required to comply with HB 2001 by June 30, 2022.

Implementing rules for HB 2001 were established by OAR 660-046. Cities subject to HB 2001 are required to meet the minimum compliance standards established in OAR 660-046 by June 30, 2022. In addition, the State adopted Senate Bill 458 in 2021, which requires cities subject to HB 2001 to allow expedited land divisions for middle housing. Requirements for SB 458 are established in the legislation and in ORS 197.360-197.380. These rules will become effective June 30, 2022. Cities are not required to update their development codes or zoning ordinances for SB 458 – the rules will apply regardless and any conflicting standards in the development code would be rendered obsolete. The proposed amendments also include recommended amendments to incorporate the State’s requirements for SB 458 to allow for middle housing land divisions. SB 458 amendments for middle housing land divisions will support local implementation and administration of the new land division requirements. The amendments to each Code section stated above are appropriate because they are intended to meet the minimum compliance standards in OAR 660-046, as mandated by State law through HB 2001.

The Comprehensive Plan encourages infill development as a residential development policy. The recommended amendments to comply with HB 2001 and implement SB 458 will support the City’s goal to encourage infill development by promoting middle housing development in existing residential zones. The proposed amendments include provisions to allow conversions of existing single-family housing to middle housing types, which will further encourage residential infill development in existing neighborhoods.

6. **OAR 660-046 Middle Housing in Medium and Large Cities**

660-046-0010 Applicability

(3) *A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.*

(a) Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.

FINDINGS: The City's natural and historic resource regulations will continue to apply and to protect Goal 5 resources and that there is no change to the standards related to water, air and sound quality or historic resources. The applicable resource regulations include the Resource Conservation Overlay Zone (Section 2.126) and the Historic Resources (Section 2.127). In addition, local natural hazard regulations that comply with Statewide Goal 7 will also continue to apply to middle housing development. The applicable natural hazard regulations includes the Floodplain Overlay Zone (Section 2.122).

660-046-0030 Implementation of Middle Housing Ordinance

- (1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.*
- (2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:*

- (a) Waiving or deferring system development charges;*
- (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and*
- (c) Assessing a construction tax under ORS 320.192 and ORS 320.195.*

FINDINGS: The City recently completed a Housing Needs Analysis that was conducted by ECONW. As a part of the HNA project, the City considered a range of housing strategies to help Keizer meet its identified housing needs. Some of these strategies included SDC waivers or deferrals for needed housing types (Action 4.1), which includes middle housing types (estimated 21% of needed housing types in next 20 years). The City also considered Construction Excise Taxes to help fund affordable housing projects (Action 4.3) and the establishment of a tax increment financing (TIF – urban renewal districts) to promote affordable housing production (Action 4.2). These strategies were

raised for the Planning Commission to consider for middle housing at the Planning Commission hearing on April 13, 2022. In addition, the City Council will be forming an Affordable Housing Work Group, which will continue to explore the affordable housing strategies identified during the HNA and how they may be applied to needed housing types, including middle housing.

660-046-0105 and 660-0460-0205 Applicability of Middle Housing in Medium and Large Cities

- (1) A Medium [and Large] City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.*
- (2) A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:*

FINDINGS: The City currently has 6 residential zones that permit single-family detached and are therefore subject to HB 2001. The only zone that does not currently permit any middle housing type outright is the Single Family (RS) zone. Every other residential zone allows each middle housing type outright except for cottage clusters, which are allowed as a conditional use in each residential zone. Amendments are included for Single Family (RS – Section 2.102) to allow duplexes, triplexes, quadplexes, townhouses, and cottage cluster outright. Amendments to allow cottage clusters outright are also included for the Limited Density (RL – Section 2.103), Medium Density (RM – Section 2.104), High Density (RH – Section 2.105), Mixed Use (MU – Section 2.107), and the River Cherry Overlay (RCOD – Section 2.130). As amended, these criteria are met.

660-046-0220 Middle Housing Siting Standards in Large Cities

- (1) Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.*
- (2) The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:*
 - (a) Minimum Lot or Parcel Size:*
 - (A) For Triplexes:*
 - (i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.*
 - (ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.*
 - (B) For Quadplexes:*

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.

(C) A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs (A) or (B).

(b) Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplexes and Triplexes.

[...]

(3) The following governs Large Cities' regulation of siting standards related to Townhouses:

(a) Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.

(b) Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.

(c) Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

[...]

(4) The following governs Large Cities' regulation of siting standards related to Cottage Clusters:

(a) Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:

(A) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.

(B) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.

(c) Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.

(d) Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter

setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.

(e) Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of less than 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.

[...]

(g) Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.

FINDINGS: Amendments are included to update middle housing siting/development standards in Section 2.102.05 (Single Family RS Dimensional Standards), 2.103.05 (Limited Density RL Dimensional Standards) Section 2.104.05 (Medium Density RM Dimensional Standards) and Section 2.105.05 (High Density RH Dimensional Standards), Section 2.107.06 (Mixed Use MU Dimensional Standards), and Section 2.130.05 (River Cherry RCOD Dimensional Standards). The minimum lot sizes for duplexes will be reduced to be the same size as single-family detached in each zone, and triplex minimum lot sizes will be 5,000 square feet for each zone and 6,000 square feet for the RH, and quadplexes and cottage clusters will be reduced to 7,000 square feet for each zone. Townhouses will have a minimum lot size of 1,500 square feet for each zone.

Each middle housing type will either have the same lot width or street frontage width as single-family detached in every applicable zone, except for townhomes, which will be exempt from lot width standards and will have a minimum frontage of 20 feet, consistent with provisions of the OARs. In addition, each middle housing type will be exempt from any density standard except for townhomes, which will have a max density of 25 units/acre for each applicable zone. A minimum of four cottage cluster units per acre will also be required for cottage cluster developments. Setback standards are applied equally for every middle housing type except for cottage clusters, which will have a perimeter setback that is no greater than 10 feet for each zone, and townhomes will be allowed an interior side-yard setback of 0 feet. The same existing maximum height of 35 feet will continue to be applied to middle housing (except a max of 25 feet for cottage clusters), as well as the same existing lot width and depths for each housing type.

660-046-0120 and 660-046-0220 – Duplex and Middle Housing Parking Standards

[...]

(a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex.

[...]

(e) Parking:

(A) For Triplexes, a Large City may require up to the following off-street parking spaces:

- (i) For Lots or Parcels of less than 3,000 square feet: one space in total;*
- (ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and*
- (iii) For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.*

(B) For Quadplexes, a Large City may require up to the following off-street parking spaces:

- (i) For Lots or Parcels of less than 3,000 square feet: one space in total;*
- (ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;*
- (iii) For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and*
- (iv) For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.*

(D) A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.

[...]

(F) A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230

[...]

(f) Parking:

(A) A Large City may not require more than one off-street parking space per Townhouse dwelling unit

[...]

(f) Parking:

(A) A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.

FINDINGS: As discussed in the findings for middle housing minimum lot sizes, triplexes will not have a lot size less than 5,000 square feet in any zone, and quadplexes will not have a lot size less than 7,000 square feet in any zone. Therefore, amendments are included to require minimum off-street parking of one space per unit each middle housing type (three spaces for triplexes, and four spaces for quadplexes) for Section 2.303.06 (Off-Street Automobile Parking Requirements).

This standard also equates to two total spaces for duplexes, and one space per unit for townhouses and cottage clusters.

660-046-0225 Middle Housing Design Standards in Large Cities

(1) *A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:*

(a) *Design standards in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b)*

(b) *Design standards that are less restrictive than those in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b)*

(c) *The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or*

FINDINGS: The existing residential design standards that apply to single family detached housing, per Section 2.314, are proposed to apply to each middle housing type. These existing design standards meet clear and objective criteria. In addition, the existing cottage cluster section was revised to both meet clear and objective standards and to ensure the design and development standards in that section are no more restrictive than the cottage cluster design and development standards established in the Middle Housing Model Code. As amended, the recommended updates comply with the minimum compliance standards for clear and objective requirements and middle housing design standards.

660-046-0215 Permitted Uses and Approval Procedures and 660-046-0230 Middle Housing Conversions

Approval Procedures:

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Middle Housing Conversions

(1) Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in a Large City pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.

FINDINGS: The proposed Code update includes amendments to subject cottage clusters to the same review and approval procedures that currently apply to single family detached and every other housing type, which is the Development Review procedure (Type I-C, Section 3.101).

Amendments are also included to allow conversions from single family detached to a duplex, triplex, quadplex, or cottage cluster. These amendments were added to the existing Design Standards section (Section 2.314).

CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RECOGNITION OF NORTHWEST KEIZER NEIGHBORHOOD ASSOCIATION

The Northwest Keizer Neighborhood Association (NWKNA) has requested the City Council for official recognition as a neighborhood association under the provisions of the Neighborhood Association Ordinance No. 93-257 adopted June 21, 1993 (copy enclosed). The petition, bylaws, map of the boundary, and a copy of the NWKNA minutes are attached for your consideration.

Staff has reviewed the bylaws of the Northwest Keizer Neighborhood Association to determine if they meet the criteria of Section 5 of Ordinance No. 93-257. There are three major criteria which are outlined below:

The first criteria is that the Association adopt bylaws that include provisions for broad membership, regular meetings, and an open process. The attached bylaws meet these standards.

The second criteria is that the boundary of the Association meets certain guidelines. The proposed NWKNA boundary is a logical area encompassing the neighborhood with these boundaries: Beginning at the center of Chemawa Road from Keizer Rapids Park to River Road on the south, Keizer City limits to the west, north to the City limits on Windsor Island Road, and east following the City limits to the center of McClure Street to Lockhaven. It also encompasses over 300 homes and includes all land within the city limits in that area.

The third criteria is that the Association must strive to accurately represent the best interests of its members, solicit participation and hold regular meetings. The Northwest Keizer Neighborhood Association bylaws address this requirement.

Staff believes that NWKNA has adopted bylaws conforming to the requirements of Ordinance No. 93-257 and has demonstrated by its actions its commitment to meeting the intent of the Ordinance to foster citizen involvement and to make Keizer's neighborhoods better places. Staff recommends that official recognition be granted.

RECOMMENDATION:

It is recommended the Council adopt the attached Resolution granting official recognition to the Northwest Keizer Neighborhood Association.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

1 BILL NO. 239

A BILL

ORDINANCE NO.

93-257

FOR

4 AN ORDINANCE

5 RELATING TO THE RECOGNITION OF
6 NEIGHBORHOOD ASSOCIATIONS7
8 The City of Keizer ordains as follows:

9 Section 1. PURPOSE. This ordinance is intended to
10 recognize that neighborhood associations are an important part
11 of the involvement and volunteerism of the citizens of the
12 community in Keizer city government. Active neighborhood
13 associations enhance the City's citizen involvement program and
14 provide an important two way channel for information relative
15 to the activities of the City. This ordinance is intended to
16 provide a framework for establishment and recognition of
17 neighborhood associations and to acknowledge such associations
18 as legitimate representatives of the citizens and issues within
19 their boundaries.

20 Section 2. NEIGHBORHOOD ASSOCIATIONS. A neighborhood
21 association is any group of people organized within a
22 geographical area for the purpose of studying and acting on
23 issues affecting neighborhood and city-wide livability and
24 government operations, and that also actively solicits broad
25 involvement by all citizens within the association's boundary.
26 A recognized neighborhood association is one that has been
27 found by the City Council to satisfy the standards of this
28 ordinance.

29 ///

- ORDINANCE NO. 93- 257

FMAGIC

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

1 Section 3. RECOGNITION. The City Council may officially
2 recognize a neighborhood association as described in Sections 4
3 and 5 below. For a recognized neighborhood association the
4 City will do the following, at a minimum:

5 (a) Mail the association requests for comments and public
6 hearing notices for all planning, zoning, and subdivision
7 activities within its boundaries.

8 (b) Mail the association notices of other City issues
9 that may result in action being taken impacting property or the
10 citizens within the association boundary.

11 (c) Mail the association agendas for all City
12 commissions, boards, and City Council meetings.

13 (d) Solicit the input of the association at early stages
14 of major decision making, such as annual budget preparation and
15 amendments to the Comprehensive Plan.

16 (e) Recognize the association as having standing in land
17 use cases within its boundaries or within adjacent areas where
18 there is a direct impact.

19 (f) Provide assistance in publicizing the activities of
20 the association through press releases, city publications, and
21 other media as resources allow.

22 Section 4. PROCESS FOR RECOGNITION. A neighborhood
23 association may petition the City Council for official
24 recognition. If the Council finds that the standards outlined
25 below are met, the association may be recognized by resolution.

26 ///

1 Section 5. STANDARDS FOR RECOGNITION. The following
standards must be met by a neighborhood association seeking and
3 maintaining recognition:

4 (a) By-Laws - The Association shall adopt by-laws that
5 contain the following provisions at a minimum:

6 (1) Any person who resides, operates a business, or owns
7 property within the boundary shall be a member with the right
8 to participate and vote.

9 (2) The membership shall not be limited by race, creed,
10 color, sex, age, or any other factor.

11 (3) There shall be no dues, but voluntary contributions
12 may be solicited.

13 (4) The association shall hold an annual general meeting,
14 with the time, date, and place of the meeting widely publicized
15 throughout the neighborhood prior to the meeting. Other
16 general meetings may be held as desired.

17 (5) Regular meetings of the Board shall be held at a
18 publicized date, time, and place. All Board meetings shall be
19 open to the public. All members present may vote on issues
20 with the results recorded separately from votes of the Board.

21 (6) Minutes shall be taken of all Board and General
22 meetings, with the minutes made available to any person so
23 requesting. A copy of the minutes shall be filed with the City
24 Recorder.

25 ///
26 ///
- ORDINANCE NO. 93- 257

1 (7) The association shall have a Board of Directors with
2 a president, vice-president, and secretary who shall be elected
3 annually by those present at the annual meeting. The
4 association may establish additional elected positions on the
5 Board. The board roster including names and addresses shall be
6 filed with the City Recorder. The association shall provide
7 one address to the City for mailing purposes.

8 (8) A copy of the by-laws shall be filed with the City
9 Recorder and maintained and updated to reflect amendments by
10 the neighborhood association.

11 (b) Boundary - The Association shall adopt by motion a
12 fixed geographic boundary meeting the following general
13 guidelines:

14 (1) The neighborhood should generally encompass at least
15 300 dwelling units or smaller clearly defined areas.

16 (2) The neighborhood should encompass a logical
17 geographic and social area with generally rectangular
18 boundaries and without any gerrymandering.

19 (3) The neighborhood should generally focus on a single
20 elementary school attendance area.

21 (4) Neighborhood boundaries should generally follow
22 natural or manmade barriers such as creeks and arterial
23 streets. When a boundary must follow a local street, it should
24 follow rear property lines rather than divide the neighborhood
25 between houses facing each other.

26 ///

- ORDINANCE NO. 93- 257

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1 (5) The boundary should encompass adjacent vacant or
underdeveloped land.

3 (6) The boundary should extend to the City Limits.

4 (7) The boundary should leave no isolated areas or
5 pockets not included in another neighborhood association's
6 boundary.

7 (8) The Council shall have the final determination of a
8 neighborhood's boundary and is not necessarily bound to the
9 above guidelines. This determination shall be reflected in the
10 resolution of recognition.

11 (c) Responsibilities - The following responsibilities
12 must be assumed and carried out by a neighborhood association:

13 (1) The association must strive to accurately represent
14 the best interest of its members when expressing neighborhood
15 opinion, recommendations, and concerns before any public body.

16 (2) The association must try to solicit the participation
17 or input of all members through newsletters, media coverage,
18 personal contact, flyer distribution, and other means.

19 (3) The association must actively participate in City
20 government through participation, input, and recommendations on
21 issues brought to it by the City, or initiated by the
22 neighborhood itself.

23 (4) The association must hold regular board and general
24 meetings, with timely, appropriate notification to members.

25 ///

26 ///

- ORDINANCE NO. 93- 257

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1 (5) The association must strive to improve the livability
2 of the neighborhood and of the community as a whole through
3 education, activities, projects, and participation.

4 Section 6. MAINTAINING RECOGNITION - ANNUAL REPORT. A
5 recognized neighborhood association shall make an annual report
6 to the City Council at a Council meeting no more than one month
7 before or one month after the anniversary of the Council's
8 recognition. This report may be in writing or presented
9 orally. The report shall include at least the following
10 elements:

11 (a) A record of all meetings.

12 (b) A summary of all issues dealt with by the
13 association.

14 (c) A summary of special association activities outside
15 regular meetings

16 (d) A report of all efforts to solicit the participation
17 and input of all members of the association

18 (e) An analysis of the Association's success in meeting
19 its responsibilities as outlined above.

20 Section 7. MAINTAINING RECOGNITION - COUNCIL ACTION. If
21 the Council finds the association has continued to meet the
22 expectations and responsibilities of a neighborhood
23 association, it shall, by motion, extend recognition for an
24 additional year.

25 Section 8. TERMINATING RECOGNITION. At any time the
26 Council may consider an association's alleged failure to meet

1 the expectations and responsibilities of a neighborhood
2 association. If it finds the association is not meeting the
3 standards, it may, by resolution, revoke recognition.

4 Section 9. EFFECTIVE DATE. This Ordinance shall take
5 effect thirty (30) days after its passage.

6 PASSED this 21st day of June, 1993.

7 SIGNED this 23rd day of June, 1993.

8 Dennis Kelso
9 Mayor

10 Gracy L. Davis
11 City Recorder

12 824.111

- ORDINANCE NO. 93- 257

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NORTHWEST KEIZER NEIGHBORHOOD ASSOCIATION

Madam Mayor, Members of the Keizer City Council,

We are requesting your approval and recognition of the formation of the Northwest Keizer Neighborhood Association (NWKNA)

With the help of city staff and other established Keizer neighborhood associations, a core group has been working the last several months to develop a boundary, bylaws and to nominate initial officers for the NWKNA.

The boundary of the NWKNA is Chemewa Road on the south, River Road on the east, Lockhaven to the north City Limits on Windsor Island Road. The boundary includes more than 300 household, including two trailer villages, McNary H S and Keizer Elementary School, Simooka Place and numerous Keizer businesses. (See map)

The NWKNA bylaws have been prepared and approved by the current NWKNA Board. The Board is made up of Hersch Sangster -Chair, Jonathan Thompson -Vice-Chair and Marlene Parson -secretary. Mary Ann Sangster has been involved as a voting and formation core member.

Once the NWKNA receives formal recognition, efforts to seek involvement to all the households, schools and businesses within he NWKNA boundary will begin. Our monthly meetings are planned for the third Wednesday of the month at City Hall at 7 pm. Our first meeting is planned for May 18.

We are excited about creating another active voice for Keizer residents.

Respectfully,

Hersch Sangster

Hersch Sangster Chair - NWKNA

NORTHWEST KEIZER NEIGHBORHOOD ASSOCIATION²¹⁹

(1) Name

The name of this organization shall be the Northwest Keizer Neighborhood Association (NWKNA), referred to as the Association in this document.

(2) Area

The area represented by the Association is bounded by:

The center of Chewewa Rd from Keizer Rapids Park to River Road on the south, Keizer City limits to the west and north to the city limits on Windsor Island Road. East following the City Limits to center of McClure St to Lockhaven, includes Keizer Elementary. Further east on the center of Lockhaven to River Rd.

Purpose

- (a) The purpose of the Association shall be to promote, coordinate, implement, and advise on all aspects of planning for the City of Keizer or any other planning or advisory bodies.
- (b) The Association shall strive for maximum citizen participation in promotion of the improvement of the livability and the environment of the neighborhood and of the community as a whole.
- (c) The Association shall provide a local forum in which residents may deliberate on issues which are important to them, and will provide a vehicle for communicating residents' views on these issues to the City of Keizer.
- (d) The Association shall provide information to its members on all proposed changes in land use planning that will affect its area through public meetings, newsletter or other means available.
- (e) The Association shall encourage citizen involvement in local governmental issues and the civic responsibilities of individuals in our neighborhood.

(3) Membership

- (a) The Association shall be a non-partisan, non-commercial and non-sectarian.
- (b) The Association shall not discriminate against or limit membership based on race, religion, ethnicity, age, gender, or any other factor.
- (c) Any person who resides, operates a business, or owns property within the boundaries shall be a member with the right to participate and vote. Any business or private institution within the boundaries may elect to appoint a representative to participate and vote on their behalf.
- (d) There shall be no dues, but voluntary contributions may be solicited.

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NORTHWEST KEIZER NEIGHBORHOOD ASSOCIATION

- (e) The voting age of member shall be 18 years of age. Members under the age of 18 are encouraged to participate in and contribute to Association meetings and activities.
- (f) Each member shall be entitled to one vote per voting opportunity, and there shall be no voting by proxy. Absentee ballots are allowed.

(4) The Association Board of Directors

- (a) The Association Board of Directors, referred to as the Board in this document, shall consist of seven directors elected at large. All positions will be for a term of one year. The Board will name three of these directors as Officers of the Board in the positions of President, Vice President, and Secretary.
- (b) The Board will name directors who will serve in the following positions; Land Use Coordinator, Business Community Liaison, Neighborhood Watch Coordinator, and Police Liaison.
- (c) The Board of Directors shall be members of the Association and their primary residence shall be within the boundaries of the Association.
- (d) The roster of the names and addresses of all Board member shall be filed with City of Keizer Recorder.
- (e) Board members will be elected by secret ballot by the majority of all members present at the annual general meeting.
- (f) Nominations for all seven positions may be submitted by the general membership from the floor at the annual meeting.
- (g) It shall be prohibited for two members from an immediate family or of the same household to simultaneously serve as directors on the Board.
- (h) Any individual who may receive direct financial profit from work of the Association is prohibited from holding office in the Association.
- (i) If the President resigns, the Vice President shall become President.
- (j) A vacancy in any other office will be filled for the unexpired term by a majority vote at the next Board meeting. The Board may, by majority vote, declare a Board position vacant if the member is absent from four consecutive meetings, regular or specially called.
- (k) In event of a temporary absence of a Board member due to health or other reasons, the President shall assign the duties to other Board members or any general member designated until the Board member returns.
- (l) The Board will hold at least one general meeting per year.
- (m) The Board will always strive to accurately represent the best interests of its members when expressing neighborhood opinion, recommendations, and concerns before any public body.

NORTHWEST KEIZER NEIGHBORHOOD ASSOCIATION

- (n) The Board shall participate in the City Keizer government through input and recommendations on issues brought to it by the City of Keizer or initiated by the neighborhood itself.
- (o) The Board must solicit the participation of all members through newsletter, media coverage, personal contact, flyer distribution, or any other means available to it.

(5) Duties of Association Board Officers

- (a) The President shall be responsible for the general supervision and direction of the Board and the Association; shall provide mailing address to the City of Keizer for all Association business; shall review all mailings received and take appropriate action; shall preside at all meetings of the Board and at all general membership meetings; shall be responsible for the annual report to the City of Keizer Council; and shall be an ex-officio member of all committees.
- (b) The Vice President shall preform all duties of the President in his or her absence and shall perform other duties as assigned by the President.
- (c) The Secretary shall record the minutes of all general membership meetings and the Board meetings and provide the Board members with copies of said minutes, retain a copy for the Association files and file one with the City of Keizer Recorder; shall keep all records for the Association; and shall be responsible for notification of the date, time and place of all meetings to the media, general membership, and in the event of a special Board meeting, to the Board members.

(6) Meetings

- (a) The Board shall pick a date in March each year for the annual meeting and publish at least 30 days prior to the date of this meeting. General meetings may be called for special issues any other time of the year as the need arises. Notification of general meetings shall be at least seven days and no more than fourteen days prior to the meeting and will be posted local newspaper, social media and City of Keizer website.
- (b) The Board will, at a minimum, hold quarterly meetings to conduct Association business. Notification will be given to the general Association at least seven days prior whenever possible. An order of business at all Board meetings will be determine the date, time and place of the next meeting and record it in the minutes.
- (c) Special meeting of the Board, for any purpose, may be called by the President, or if absent, by the Vice President. Three days' prior

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NORTHWEST KEIZER NEIGHBORHOOD ASSOCIATION

notice of the time and place of any special Board meeting shall be given to each Board member.

- (d) All regular Board meetings shall be open to the public.
- (e) Minutes shall be taken of all Board and general meetings and a copy of the minutes be filed with the City of Keizer Recorder.
- (f) A majority of Board members currently holding office making our majority three or four when the full, will constitute a quorum making the for the transaction of business. Once formed, a quorum shall remain if one or more members abstain from voting.
- (g) No director/officer of the Board shall take part in any vote where there maybe conflict of interest.
- (h) Any decision made by the Board may be nullified by a majority vote of the member present at the general meeting.

(7) Committees

- (a) Committees may be formed in order to carry out Association work on specific issues or projects.
- (b) The President will appoint a chairperson for the committee and each committee will elect its own secretary.
- (c) A charge will be given to the committee defining the committee goals and area of responsivity. This will be included in the Board minutes.
- (d) The committee will examine issues, make recommendations to the Board, and carry out actions as directed by the Board.
- (e) The committee shall consist of Association members only.
- (f) The secretary of each committee shall submit a written copy of the minutes of the committee meetings to be included with the minutes of the Board meeting.
- (g) The committee chairperson may recruit additional members at any time to serve on the committee as needed.

(8) Amendments

- (a) These bylaws may be repealed or amended or new bylaws may be adopted (subject to City of Keizer ordinance) by two thirds majority vote at any general membership meeting. Public notice of the date, time and place of the meeting and the proposed bylaw change shall be made at least seven days and no more than fourteen days prior to the meeting.
- (b) The bylaws shall be reviewed by the Board or by a special committee once each year prior to the annual general meeting to

NORTHWEST KEIZER NEIGHBORHOOD ASSOCIATION

assure that they adhere to the principals and purpose of the Neighborhood Association as follows:

- To provide Board representation from all area and districts within the Association.
- To represent the greatest number of Association members.
- To provide clear and consistent rules guiding the Association activities.



Northwest Keizer Neighborhood Association Meeting Minutes

March. 10, 2022

I. Call to order

Hersch called to order the first development meeting of NW Keizer Neighborhood Association 2pm at the Human Bean Coffee

Those present at the meeting: Hersch Sangster, Jonathan Thompson, Marlene Parson & Mary Ann Sangster

II. Approval of minutes from last meeting

This was the first development meeting for NWKNA

Financial Reports and Other stuff

No financial report yet. However, the intent of the NWKNA is to get in on this year's City of Keizer budget allocation

III Old Business

No old business.

IV New Business

Received "How to form a Neighborhood Association" packet from the City Recorder's Office and a clarification for the boundary need was made.

It appears we need to develop a boundary that includes at least 300 households and develop bylaws before we can go to City Council. Hersch will do drafts of the bylaws and boundary map before the next meeting for review.

Hersch was nominated by Jonathan as NWKNA chair, it was seconded by Marlene and approved. by those present.

V Adjournment

Meeting adjourned at 3:15 pm

Northwest Keizer Neighborhood Association

Meeting Minutes

April 7, 2022

I. Call to order

Hersch called to order the development meeting of NW Keizer Neighborhood Association 2pm at the Human Bean Coffee

Those present at the meeting: Hersch Sangster, Jonathan Thompson, Marlene Parson and Mary Ann Sangster

II. Approval of minutes from last meeting

This was the first development meeting for NWKNA

Financial Reports and Other stuff

No financial report yet. However, the intent of the NWKNA is to get in on this year's City of Keizer budget allocation

III Old Business

Hersch had sent out the draft boundary map and the bylaws for NWKNA earlier so everyone had a time to review them. The boundary does include the city limits to the west and north on Windsor Is. Road. Includes Keizer School, but not Inland Shores or McNary Estate as they have HOA.. The proposed boundary clearly has much more than 300 households

Marlen motion to approve the boundary map & bylaws. Johnathan seconded and the motion passed unanimously.

IV New Business

Hersch was nominated at the last meeting as chair., there now is a need to fill the vice-chair and secretary positions for the NWKNA

Jonathan was nominated by Marlene for vice chair and Marlene was nominated by Jonathan for secretary. All present approved their appointments

Contact was made with the City Recorder. The next step is to send map, bylaws, minutes and a cover letter requesting the City Council approved the formation of NWKNA. The City Recorder when it reviewed by the City Attorney, she will try to get it on the next City Council Meeting maybe May 2. Hersch will try to submit this ASAP to the City Recorder. The City Recorder was notified that we would like our monthly meetings on the third Wednesday at 7 pm at City Hall

If the approval of the NWKNA goes through on May 2, then we can have our first meeting May 18

Jonathan will develop a Gmail for the NWKNA and get NWKNA listed in the next citywide directory

V Adjournment

Meeting adjourned at 3:05 pm

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2022-____4
5 RECOGNITION OF THE NORTHWEST KEIZER
6 NEIGHBORHOOD ASSOCIATION
78 WHEREAS, the Council has adopted Ordinance No. 93-257 relating to the
9 recognition of neighborhood associations;10 WHEREAS, the Council finds that active neighborhood associations enhance the
11 City's citizen involvement program and provide an important two-way channel for
12 information relative to the activities of the City;13 WHEREAS, Ordinance No. 93-257 is intended to provide a framework for
14 establishment and recognition of neighborhood associations and to acknowledge such
15 associations as legitimate representatives of the citizens and issues within their
16 boundaries;17 WHEREAS, the Northwest Keizer Neighborhood Association has requested the
18 City Council for official recognition as a Neighborhood Association and approval of its
19 boundaries under the provisions of Ordinance No. 93-257;20 WHEREAS, the Council has found that the Association and its boundaries, by the
21 provisions of its bylaws and its actions meet the criteria of Ordinance No. 93-257 for
22 formal recognition;23 NOW, THEREFORE,
24

1 BE IT RESOLVED that the City Council of the City of Keizer hereby grants
 2 official recognition to the Northwest Keizer Neighborhood Association and extends to
 3 the Association all rights, privileges, and responsibilities that come with such
 4 recognition.

5 BE IT FURTHER RESOLVED the boundary of the Northwest Keizer
 6 Neighborhood Association shall be as follows: The center of Chemawa Road from
 7 Keizer Rapids Park to River Road on the south; Keizer City limits to the west; north to
 8 the City limits on Windsor Island Road; and east following the City limits to center of
 9 McClure Street to Lockhaven as set forth in the attached map.

10 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
 11 upon the date of its passage.

12 PASSED this _____ day of _____, 2022.

13

14 SIGNED this _____ day of _____, 2022.

15

16

17

 Mayor

18

19

20

 City Recorder

Proposed Neighborhood Associations

230

Northwest Keizer
Neighborhood
Association

Created: March 2022

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CITY COUNCIL MEETING: May 2, 2021

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: ADAM J. BROWN
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER/COMMUNITY CENTER MANAGER**

**SUBJECT: SOUTH EAST KEIZER NEIGHBORHOOD ASSOCIATION ANNUAL
REPORT**

BACKGROUND:

In June, 1993 the City Council adopted Ordinance 93-257 outlining the purpose and guidelines for recognition of neighborhood associations. The Ordinance states in order to maintain recognition, the neighborhood association shall make an annual report to the City Council. The report may be submitted in writing or made orally at a City Council meeting.

South East Keizer Neighborhood Association Chair Ken Gierloff will be in attendance to present the annual report.

RECOMMENDATION:

It is recommended the Council accept the report and by motion extend recognition to the South East Keizer Neighborhood Association for an additional year.

CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**THROUGH: ADAM J. BROWN
CITY MANAGER****FROM: TIM WOOD
FINANCE DIRECTOR****SUBJECT: FEE WAIVER REQUEST FOR KEIZER ROTARY AMPHITHEATRE
FOR MCNARY HIGH SCHOOL AUDIO PRODUCTION &
TECHNOLOGY (APT) STAGE SHOW****BACKGROUND:**

The City has received a request for a waiver of fees connected with the use of the Keizer Rotary Amphitheatre on Friday June 3, 2022 for the McNary High School APT Stage Show. The APT program is one of McNary High School's Career & Technical Education Programs that explores the process of writing and editing various genres of music in a professional studio environment. The event will include live musical performances by McNary High School students.

This matter is before the Council to consider whether it is appropriate to waive or reduce fees for the event. Here is a breakdown of the total fees for the event as proposed.

Application Fee for Amphitheater permit	\$ 63.00
Refundable Deposit	\$ 170.00
Electrical Use Fee	\$ 21.00
Use Fees	\$ 294.00 (7 hrs. @ \$42.00 per hr.)
Total Fees & Deposit	\$ 548.00

It is appropriate for the City Council to consider the matter of the fees and make a minute motion to deny the waiver request, waive some of the fees, or waive all of the fees for the June 3, 2022 McNary High School event at the Keizer Rotary Amphitheatre in Keizer Rapids Park.

RECOMMENDATION:

The City Council should consider the matter and make a minute motion to formalize its intent with regard to the fees. Please contact me with any questions or concerns.



City of Keizer

Keizer Rotary Amphitheatre

Application/Permit

Keizer City Hall
 930 Chemawa Road NE
 Keizer, OR 97303
 Phone: (503) 390-3700
Venue Address
 1900 Chemawa Rd N
 Keizer, OR 97303

Permit Application/Permit Fee Schedule	
<i>(All applicable fees are due at time of application. Use fees are charged from Access to Exit Times.)</i>	
Deposit (Refundable):	\$170.00
Use fee:	\$42.00 per hour, with four (4) hour minimum rental.
Use fee for Ticketed/Concert Event:	\$42.00 per hour, with four (4) hour minimum rental. -OR- Ten percent (10%) of ticketed sales, whichever is greater. <i>(Must provide proof of sales if requested by City.)</i>

Event Information

Event Date(s): 6/3/2022

Event Title: McNary High School APT Stage Show

Description of Event: Live Music Performances by McNary HS Students

Initial Access Time: 3:00 ☐ AM ☒ PM Final Exit Time: 10:00 ☐ AM ☒ PM
(First entrance to Amphitheatre for set up.) (The time final cleanup and exit occurs.)

Event Start Time: 6:30 ☐ AM ☒ PM Event End Time: 9:00 ☐ AM ☒ PM

Estimated Group Size: 100 Estimated Number of Vehicles: 25

Event Contact Information *(Responsible person will receive Permit correspondence)*

Group or Organization *(if applicable)*: McNary High School APT

Responsible Person: Sara LeDuc

Primary Phone: (503) 881-4335

Secondary Phone: _____

Mailing Address: 595 Chemawa Rd

City/State/Zip: Keizer, OR 97303

Email Address: leduc_sara@salkeiz.k12.or.us

FORM AND PAYMENT SUBMISSION:

Please return this **form and payment** to the City of Keizer by one of the following methods:

1) In person: 930 Chemawa Rd NE -or- 2) By Mail: City of Keizer, PO Box 21000, Keizer, OR 97307

QUESTIONS:

If you have any questions call 503-856-3436 or email PC@keizer.org

STRICTLY PROHIBITED UNLESS PERMITTED BY APPLICATION ADDENDUM:

Ordinance No. 2018-791 as amended establishes Keizer Parks Regulations. The following are specifically prohibited in all Park Areas unless expressly permitted in writing by the City:

Possession or consumption of alcoholic beverages	Cooking with anything other than a barbecue
Use of Generators	Amplified sound
Events with over 50 attendees	Public, Ticketed or Concert Events
Events causing traffic or parking issues	Using City provided electrical services
Projecting any still or moving pictures	

The "Park Area Reservation Application Addendum" must be submitted with this Permit/Application. A Non-refundable Application Fee of \$63.00 will apply with submittal of the application addendum.

THIS APPLICATION/PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

This application by itself does not serve as an approved permit.

All conditions must be complied with by the deadline shown or the permit may be denied or withdrawn.

Application Submittal: The Application Fee, the Deposit and the Use Fees are due at the time of Application submittal. The event date will not be calendared or held until this occurs. If your event is estimating attendance over 100 people, or permitting intoxicating beverages, or permitting amplified sound, the application must be submitted 60 days prior to the event date. All other applications must be submitted at least 30 days prior to the event date. Ordinance No. 2018-791 as amended establishes Keizer Parks Regulations. Provide on a separate sheet any activities proposed that require a permit under the regulations. Activities not specifically listed and permitted in writing are not allowed. **A late fee of \$150.00 shall be imposed if all applicable documentation noted below and on the application/permit are submitted less than 20 days prior to the event.**

Insurance: Provide single limit liability insurance with minimum limits of \$1,000,000 naming City of Keizer as additional insured. The insurance policy is to be issued by an insurance company authorized to do business in the state of Oregon. "City of Keizer" includes its officers, agents, contractors, and employees. The evidence of insurance and additional insured endorsement must be provided to City 20 days prior to event.

Venue Capacity: 600 guests is the maximum capacity allowed by this event permit, unless Applicant requests for an increase in the maximum capacity and approval is granted in writing by City. Requests for an increase to the maximum guest capacity must be submitted to the City of Keizer 20 days prior to the event.

General Information: Permittee must restore areas used by said organization/party to its original condition by the end of the event. General Park users will be allowed to use other park facilities during the event. The City reserves the right to review and approve or deny any other requests that may be potentially hazardous, unsafe or cause damage.

Cancellations: In the event of a client cancellation less than thirty (30) days before the event, 50% of the Use Fees will be forfeited. Should the event be cancelled by the City due to any reason, Permittee agrees and understands that other than refund of all use fees, the City of Keizer shall not be liable for any damages or charges whatsoever. Acceptance of the full refund will fully release and satisfy any and all claims, damages or charges, direct or indirect, against the City of Keizer. Should the event be cancelled for any other reason beyond the control of the City, e.g. weather conditions, Permittee agrees and understands that the application fee and use fees will be forfeited.

RULES AND REGULATIONS:

- Parks open ½ hours prior to sunrise and close ½ hour after sunset. No one may enter or remain in the parks overnight unless camped in a specifically designated camping area or otherwise permitted.
- Smoking, vaping, tobacco products and any type of legal or illegal drugs are not permitted in any park or park facility.
- All garbage must be disposed of properly in receptacles provided.
- Vehicles are only allowed in designated parking areas only.
- Outdoor fires in any place other than in a barbecue for cooking purposes is not allowed.
- Dogs are allowed in park areas and must be on a leash at all times unless in an area designated as an off-leash area. *(All other pets are prohibited unless authorizing in writing.)*
- Noise levels that violate the City's noise ordinance will not be allowed.
- The follow are prohibited in all Park Areas:

Littering	Garbage dumping and water pollution
Vandalism	Possession of firearms or weapons of any kind <i>(Unless permitted by state law)</i>
Fireworks of any kind	Hitting golf balls
All types of inflatable bouncers, mechanical rides and trampolines	Birdseed, confetti, glitter, rice, anything that sprouts, hay/straw, silly string, party poppers, and sky lanterns
Feeding wild animals, birds, fish or reptiles	Operating any boats, cars, rockets or other devices that are powered by a rocket motor or an internal combustion engine

It is the Permittee's responsibility to contact our Parks Department (503-856-3569) at least one week prior to your event date to review the following, if applicable to your event:

- ❖ **PARKING:** Staff will review the provided parking plan to ensure parking instructions given by the City are followed. Access to the Event Parking Access Gate may be arranged by the City at that time. A parking plan and a map will be provided with the approved permit.
- ❖ **ELECTRICAL USE:** If electrical use fee was paid, staff will review access to limited power. It will be made available only at the Keizer Rotary Amphitheatre stage and the western end of the concrete apron entrance.
- ❖ **ADDITIONAL REQUIREMENTS:** Some events may be required to provide fire extinguishers, additional signage or other event specific equipment. If required, arrangements will be reviewed with the Permittee.

NOTICE:

Permittee agrees to defend and indemnify the City of Keizer, its officers, agents and employees, against any claim, demand, suit or action for property damage, personal injury or death arising in connection with this event. Permittee agrees to comply with all the conditions set forth herein and to provide at Permittee's own expense the insurance set forth in the addendum attached.

Facsimile or electronic transmission of any signed original document, and retransmission of any signed facsimile or electronic transmission, shall be the same as delivery of an original. At the request of either party, the parties shall confirm facsimile or electronic transmitted signatures by signing an original document.

EXPIRATION:

The application expires one year from submitted date.

PERMIT REVOCATION INFORMATION:

The City Manager or his designee may revoke the application if circumstances reasonably show that the event can no longer be conducted consistent with public safety or the Responsible Person does not meet the conditions set forth within the required time period. Any violations of the terms of this park reservation or park regulations, as determined by a police officer or a city parks official, immediately revokes this reservation.

I hereby certify that I am the authorized representative of the above group, that the above statements are true to the best of my knowledge, and that I will abide by all restrictions, administrative rules and applicable City Ordinances.

Responsible Person Signature: _____



Date: 4/11/2022

*****THIS SECTION MUST BE COMPLETED BY CITY OF KEIZER STAFF*****

Date Application Submitted: _____ Non-refundable Application Fee: _____

Total Fees Due as Submitted: _____ Refundable Deposit: _____

Total Paid: _____ Use Fee: _____

Date Paid: _____ Electrical Fee: _____

☒ Approved as Submitted

☐ Approved as Amended

☐ Denied

By: _____



Title: _____

Parks & Facilities Div. Manager

Dated: _____

4-25-22

Copy to: ☐ Parks Manager ☐ Police Dept. ☐ Fire Dept. ☐ Reserving Group ☐ City File



City of Keizer

Application Addendum

Kelzer City Hall
930 Chemawa Road NE
Kelzer, OR 97303
PO Box 21000, Kelzer, OR 97307
Phone: (503) 390-3700
Fax: (503) 390-3787

Date of Event: 6/3/2022

Title of Event: McNary HS APT Stage Show

Responsible Person: Sara LeDuc

Primary Phone: (503) 881-4335

A Non-refundable Permit Application Fee of \$63.00 will apply at the time this addendum is submitted with a reservation application.

ADDITIONAL EVENT INFORMATION:

Is your event open to the public? (See below for definition of a public event) ☒ Yes ☐ No

A public event is any event open to the general public whether a fee is charged to attendees or not. These events can include, but are not limited to concerts, trade shows, vendor markets, charitable, fundraising, and leisure events.

Will attendees be paying any type of fee? ☐ Yes ☒ No

FOR THE FOLLOWING PLEASE CHECK ALL BOXES THAT APPLY TO YOUR EVENT:

- ☐ **Alcoholic Beverage Service:** Alcohol beverages are only permitted on City owned property if the appropriate OLCC permit/license has been issued for this event and all City requirements have been met.
- Alcohol vendor must enter into a separate agreement with City, must provide single limit liability insurance with minimum limits of \$1,000,000 and liquor liability insurance certificate with minimum limits of \$1,000,000 naming City of Keizer as additional insured. "City of Keizer" includes its officers, agents, contractors, and employees.
 - The insurance policy is to be issued by an insurance company authorized to do business in the state of Oregon. The agreement, evidence of insurance and additional insured endorsement must be provided to City 20 days prior to event.
 - Alcohol vendor must provide all Oregon Liquor Control Commission (OLCC) licenses/permits in a form acceptable to City 20 days prior to the event. Alcohol vendor must comply with all City regulations. The only Park Areas that alcohol service can be permitted are Chalmers Jones Park and Keizer Rapids Park.

Name of Alcohol Vendor: _____

Alcohol Service Times: Starting at: _____ ☐ AM ☐ PM Ending at: _____ ☐ AM ☐ PM

- ☐ **Security:** For events with over 100 attendees, Responsible Person must provide proof that a professional Security Company has been hired. The number of guards will be determined by the security company's requirements. The proof of security must be provided to City 20 days prior to event.

- ☒ **Food Service for a Public Event:** For events open to the public, all food service vendors must provide approved copies of the necessary Marion County Health Department licenses/permits to City 20 days prior to the event. All Food service vendors must comply with all applicable City and Marion County regulations and provide all the necessary licenses/permits to City 20 days prior to the event. All food service/preparation vendors must have Food Handlers License.

Name of Vendor(s): TBD

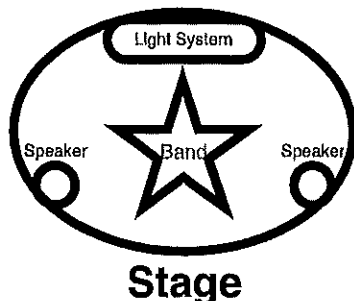
- ☐ **Food Service for a Private Event:** All Food Service Vendors must comply with all applicable City and Marion County regulations and provide all the necessary licenses/permits to City 20 days prior to the event. All food service/preparation vendors must have Food Handlers License. Private events may provide their own food if listed as "self-provided" below.

Name of Vendor(s) or (Self-Provided): _____

- ☐ **Using Commercial Cooking Equipment and/or Generators:** A fire prevention plan must be reviewed and approved by the Keizer Fire District Fire Marshall or his/her designee. The approved plan must be provided to City 20 days prior to event.
- ☒ **Amplified Sound:** All amplified sound must adhere to City Noise Ordinance 2004-511. Responsible Person shall be responsible for the monitoring of sound levels in the Park Area. The City recommends that the noise level not exceed 80-85 DB. However, the Keizer Noise Ordinance applies to sound levels measured at the property lines of adjoining residences. Responsible Person must comply with all applicable regulations and laws, including, but not limited to the requirements of the Keizer Noise Ordinance. Amplified sound is only permissible when approved by permit and is strictly prohibited after 9:00 p.m.
Type of Amplified Sound: Concert sound system
- ☒ **Events with over 50 attendees:** The event is expecting over 50 attendees as listed on the Reservation Application and are requesting an increase of the number of allowed attendees in the reserved park area.
- ☒ **Public Event, Ticketed Event or Concert Event:** Must submit a crowd control/security plan to the City of Keizer 20 days prior to event.
- ☐ **Anticipated Traffic or Parking Issues:** If your event is expecting a large number of vehicles that may cause traffic or parking issues in the park a parking plan must be submitted 20 days prior to event. Include documentation of necessary equipment/volunteer staff for event parking. Sufficient parking attendants and ADA parking spaces must be provided. If any Shuttle buses will be used for the event then they must have a spotter when backing or maneuvering in the park. If your event is being held at Keizer Rapids Park you may use your own documentation or complete the City provided "Keizer Rotary Amphitheatre Parking Plan". Additional requirements may be necessary due to the size and nature of the event.
- ☒ **City Provided Electrical Services:** A \$21.00 use fee will apply and is due at the time the application is submitted. Electrical service is limited. Please confirm details of what you require below:

- ☐ **Projecting still or moving pictures of any kind.**
Describe: _____
- ☒ **Using posted signs for the event.** Signage for the event must comply with the Keizer Sign Regulations. Call 503-856-3441 for further information.
Describe: Sandwich boards
- ☐ **Using temporary structures, fencing or tents for the event.**
Describe: _____
- ☐ **Listed below are other proposed accommodations requested for the event that are not permitted without the Public Works Director approval or not addressed with this addendum: (Requests will be reviewed on an individual basis)**

In the space below or on a separate sheet, provide a diagram or map of the layout of the proposed event:



It is the Permittee's responsibility to contact our Parks Department (503-856-3569) at least one week prior to your event date to review the following, if applicable to your event:

- ❖ **PARKING:** Staff will review the provided parking plan to ensure parking instructions given by the City are followed. Access to any parking access gates may be arranged by the City at that time. A parking plan and a map will be provided with the approved permit.
- ❖ **ELECTRICAL USE:** If electrical use fee was paid, staff will review access to limited power.
- ❖ **ADDITIONAL REQUIREMENTS:** Some events may be required to provide fire extinguishers, additional signage or other event specific equipment. If required, arrangements will be reviewed with the permittee.

I hereby certify that I am the authorized representative of the above group, that the above statements are true to the best of my knowledge, and that I will abide by all restrictions, administrative rules and applicable City Ordinances.

Signature of Responsible Person: _____

Date: 4/11/2022

ADDITIONAL REQUIREMENTS:

Due to the nature of your event the City of Keizer is requiring at the Responsible Person or Group's expense the following that are checked below:

- ☐ **Insurance:** Provide single limit liability insurance with minimum limits of \$1,000,000 naming **City of Keizer** as additional insured. The insurance policy is to be issued by an insurance company authorized to do business in the state of Oregon. "City of Keizer" includes its officers, agents, contractors, and employees. The evidence of insurance and additional insured endorsement must be provided to City 20 days prior to event.
(Insurance is required for all events at the Keizer Rotary Amphitheatre)

- ☐ **Chemical Toilets:** The Responsible Person must provide the City with verification 20 days prior to event that the appropriate amount of portable toilets listed below have been arranged for each event. The size and nature of the event determines the number of toilets.
(Chemical Toilets are required for all events at the Keizer Rotary Amphitheatre)

Number of portable toilets required: _____ Company Name: _____

- ☐ **Garbage Services:** The Responsible Person must provide the City with verification 20 days prior to event that the appropriate amount of receptacles listed below have been arranged for each event. The size and nature of the event determines the number of receptacles. Contact Loren's Sanitation (503-393-2262) for rental information.

Number of receptacles required: _____ Type of receptacles required: _____

☐ **Other:** _____

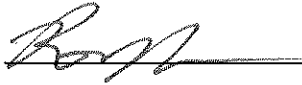
*****THIS SECTION MUST BE COMPLETED BY CITY OF KEIZER STAFF*****

☒ Approved as Submitted

☐ Approved as Amended

☐ Denied

By:



Title:

Parks & Facilities Div. Manager

Dated:

4-25-22

Copy to: ☐ Parks Manager ☐ Police Dept. ☐ Fire Dept. ☐ Reserving Group ☐ City File

CITY COUNCIL MEETING: May 2, 2022**AGENDA ITEM NUMBER: _____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: KEIZERFEST 2022

The KeizerFest is a significant community event which is beneficial to the citizens of Keizer and the surrounding communities. This activity occurs under the leadership of the Chamber of Commerce.

Keizer Chamber of Commerce is submitting the required documentation to hold KeizerFest at Keizer Rapids Park. The events are anticipated to run from August 10, 2022 to August 14, 2022. While the Chamber is submitting the materials and working out the details with staff, they are requesting that the City Council preliminarily approve the event at Keizer Rapids Park.

A preliminary approval is being requested because the Chamber wants to disc and work the ground to smooth out the gopher holes in the area and they do not want to invest time and expenses unless they have some assurance that the Council is in approval of the location. The area that is in need of work is less than five acres.

RECOMMENDATION:

Consider the matter and if the Council preliminarily agrees to the KeizerFest being held at Keizer Rapids Park, make the following minute motion: "I move to preliminarily approve the location of Keizer Rapids Park as the location for the KeizerFest as long as the Keizer Chamber of Commerce meets all of the conditions imposed by Council."

Please contact me if you have any questions. Thank you.

CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: AGREEMENT WITH CASA OF MARION COUNTY

The City has been allocated and is the recipient of \$850,000 in American Rescue Plan Act (ARPA) funding. On October 25, 2021, the Long Range Planning Task Force held public meetings to discuss proposed allocations of the ARPA funding. The Task Force recommended to the Keizer City Council that at least \$150,000 should be allocated to support CASA of Marion County. The Keizer City Council approved a supplemental budget for this allocation. (The remainder of this reward of funding is allocated for the Meadows Pump Station.)

To accomplish Council's wishes, the parties have negotiated an agreement and it is attached to the enclosed Resolution.

RECOMMENDATION:

Adopt the attached Resolution.

Please contact me if you have any questions. Thank you.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH
CASA OF MARION COUNTY FOR AMERICAN RESCUE PLAN
ACT GRANT

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (“ARPA”) was signed into law by President Joe Biden. ARPA provided \$1.9 trillion in funds to respond to COVID-19, including \$350 billion in emergency funding for local, state, tribal and territorial governments (the “Coronavirus State and Local Fiscal Recovery Funds”);

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds are intended to help local governments bolster their response to the COVID-19 emergency and rebuild a stronger, more equitable economy as the country recovers;

WHEREAS, the funds are intended to support urgent COVID-19 response efforts to continue to decrease spread of the virus; replace lost public sector revenue to strengthen support for public services and to help retain jobs; support immediate economic stabilization for households and business; and address systematic public health and economic challenges that have contributed to the inequal impact of the pandemic on certain populations;

WHEREAS, Coronavirus State and Local Fiscal Recovery Funds may be used to:

(a) support public health expenditures; (b) address negative impacts caused by the public

1 health emergency; (c) replace lost public sector revenue; (d) provide premium pay for
2 essential works; and (e) invest in water, sewer, and broadband infrastructure.

3 WHEREAS, City has been allocated and is the recipient of \$850,000 in ARPA
4 funding through the State of Oregon (“State Grant Agreement”);

5 WHEREAS, on October 25, 2021, the City of Keizer Long Range Planning Task
6 Force held public meetings to discuss proposed allocations of the ARPA funds as well as
7 near and long-term funding priorities. The Task Force recommended the Keizer City
8 Council allocate at least \$150,000 to support CASA of Marion County;

9 WHEREAS, Keizer City Council approved a supplemental budget for ARPA
10 funding on November 15, 2021, allocating \$150,000 to support CASA of Marion
11 County;

12 WHEREAS, CASA of Marion County wishes to address at risk youth in foster
13 care by providing support services;

14 WHEREAS, the Council has considered the matter further and finds it
15 appropriate to authorize the City Manager to sign the attached agreement;

16 NOW, THEREFORE,

17 BE IT RESOLVED by the City Council of the City of Keizer that the City
18 Manager is authorized to sign the attached Agreement between the City and CASA of
19 Marion County for American Rescue Plan Act Grant.

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2022.

4

5 SIGNED this _____ day of _____, 2022.

6

7

8

9

Mayor

10

11

12

City Recorder

AGREEMENT BETWEEN THE CITY OF KEIZER, OREGON AND CASA OF MARION COUNTY FOR AMERICAN RESCUE PLAN ACT GRANT

This Grant Agreement ("Grant Agreement") is effective _____, 2022 ("Effective Date"), by and between the City of Keizer, an Oregon municipal corporation (the "City"), and CASA of Marion County, Inc., an Oregon not-for-profit corporation ("Grantee"), collectively referred to as the "Parties."

RECITALS

- A. On March 11, 2021, the American Rescue Plan Act of 2021 ("ARPA") was signed into law by President Joe Biden. ARPA provided \$1.9 trillion in funds to respond to COVID-19, including \$350 billion in emergency funding for local, state, tribal and territorial governments (the "Coronavirus State and Local Fiscal Recovery Funds").
- B. The Coronavirus State and Local Fiscal Recovery Funds are intended to help local governments bolster their response to the COVID-19 emergency and rebuild a stronger, more equitable economy as the country recovers.
- C. The funds are intended to support urgent COVID-19 response efforts to continue to decrease spread of the virus; replace lost public sector revenue to strengthen support for public services and to help retain jobs; support immediate economic stabilization for households and business; and address systematic public health and economic challenges that have contributed to the inequal impact of the pandemic on certain populations.
- D. As such, Coronavirus State and Local Fiscal Recovery Funds may be used to: (a) support public health expenditures; (b) address negative impacts caused by the public health emergency; (c) replace lost public sector revenue; (d) provide premium pay for essential works; and (e) invest in water, sewer, and broadband infrastructure.
- E. City has been allocated and is the recipient of \$850,000 in ARPA funding through the State of Oregon ("State Grant Agreement").
- F. On October 25, 2021, the City of Keizer Long Range Planning Task Force held public meetings to discuss proposed allocations of the ARPA funds as well as near and long-term funding priorities. The Task Force recommended the Keizer City Council allocate at least \$150,000 to support CASA of Marion County.
- G. The Keizer City Council approved a supplemental budget for ARPA funding on November 15, 2021, allocating \$150,000 to support CASA of Marion County.
- H. Grantee wishes to address at risk youth in foster care by providing support services as described herein.
- I. Accordingly, Grantee plans to embark on volunteer recruitment activities and campaigns, programming to help with the training and supervision needs for CASA and Safe Families for Children volunteers.

J. Grantee also plans to hire a .25 FTE position focused on data entry and case monitoring and a .75 FTE for Program Management.

K. Grantee is obligated to comply with the expenditure rules included in this Grant Agreement and State Grant Agreement. This includes cost accounting and audit principles as well as record-keeping procedures to prevent and safeguard against the unauthorized use of ARPA funds.

AGREEMENT

Now therefore, the Parties agree as follows:

1. Incorporation of Recitals/Exhibits. The Recitals and referenced Exhibits are incorporated into this Grant Agreement by this reference.
2. Purpose. The purpose of this Grant Agreement is to fund volunteer recruitment activities and campaigns for CASA of Marion County and Safe Families of the Mid-Willamette Valley that were postponed due to COVID. These funds will be also used for programming to help with the training and supervision needs for CASA and Safe Families for Children volunteers due to pandemic shutdowns being lifted and the number of kids coming into foster care increasing. The funding will help support a .25 full time employee position focused on data entry and case monitoring to ensure quality data collection to report outcomes to the State Legislature and .75 full time employee position for Program Management.
3. Award Disbursement. The maximum not-to-exceed amount payable to Grantee under this Grant Agreement, which includes allowable expenses, is \$150,000 as set forth in Exhibit B. City will not disburse funds to Grantee in excess of the not-to-exceed amount and will not disburse funds until this Grant Agreement has been signed by all Parties. Grantee understands and agrees that City's participation in this Grant Agreement is contingent on City receiving appropriations, limitations, allotments or other expenditure authority sufficient to allow City, in the exercise of its reasonable administrative discretion, to participate in this Grant Agreement.
4. Time Period. ARPA funds may be used for response(s) to COVID-19 and associated economic impacts that were incurred from March 3, 2021 onward, and must be obligated by no later than June 30, 2024. Any expenses disbursed or incurred before this period are not eligible for grant funds. Grantee understands that any expenses incurred in excess of grant funds are the Grantee's sole responsibility and will not be paid by City.
5. Subrecipient Determination. In accordance with 2 C.F.R. 200.332, Grantee is deemed to be a subrecipient and is obligated to comply with federal requirements for subawards and pass-through entities, as applicable.
6. Eligible Uses. Grantee shall use grant funds only to carry out the work described in Exhibit A and consistent with all applicable federal terms and conditions. Direct administrative costs are allowed. Indirect costs are allowed at a de minimis rate of 10%, consistent with 2 C.F.R. 200.414. Any programs charging direct administrative costs must be

able to establish a direct connection between the administrative cost and COVID-19 related expense. Any direct administrative costs covered by this grant may not be covered by a program's indirect cost rate.

7. Reporting Requirements. As applicable, Grantee shall submit reports requested by City as required by the State Grant Agreement. Such reports will include completion of the Non-Duplication of Benefits Certification attached as Exhibit C-1 by each Program participant.

8. Effective Date and Termination Date. This Grant Agreement is effective as of the Effective Date above. Unless extended or terminated earlier in accordance with its terms, the Grant Agreement shall terminate on or before June 30, 2024. Termination of the Grant Agreement does not extinguish or prejudice the City's right to enforce this Grant Agreement in any way. This Grant Agreement may be renewed or extended only upon written agreement of the Parties.

9. Source of Grant Funds. The Parties acknowledge that funding for this Grant Agreement comes solely as payments made to City from the Coronavirus State and Local Fiscal Recovery Funds. City has no independent obligation to provide Grantee with funds from any other source nor is Grantee entitled to compensation under this Grant Agreement by any other agency or department of the federal government.

10. Federal Terms and Conditions. The Parties agree to be bound to the provisions of U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions Sections 8 (Conflicts of Interest); 9 (Compliance with Applicable Law and Regulations); 13 (Publications); 17 (Increasing Seat Belt Use in the United States; and 18 (Reducing Text Messaging While Driving), attached hereto as Exhibit C, as well as the U.S. Department of the Treasury's Interim Final Rule related to the Coronavirus State and Local Fiscal Recovery Funds, 31 C.F.R. Part 35, as may be amended. To the extent Grantee makes any subawards to subrecipients, it shall comply with all obligations for pass-through entities and cause such subrecipient to be bound by the U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions as well. City shall provide grant fund administration and technical assistance, and project monitoring for regulatory compliance. City expressly reserves the right to amend or cancel this Grant Agreement as necessary in the event and to the extent that the Program or any terms and conditions of this Grant Agreement conflicts with the U.S. Department of the Treasury's Final Rule, as may be amended.

11. Compliance with Federal, State and Local Laws. Grantee shall comply with and obey all applicable federal, state and local laws, regulations, executive orders, and ordinances.

- a. No Use of Grant Funds for Expenses Covered by Other Programs. Grantee shall not use the grant funds to cover payroll or other employee-related or business-associated costs for which Grantee has received other federal, state or regional funds, including without limitation funds made available under the Payroll Protection Program ("PPP"), the Families First Coronavirus Response Act ("FFCRA"), unemployment insurance compensation, or any other program under federal, state, or local program funded by ARPA. Grantee agrees to ensure any subrecipients under this grant will also certify that no duplicate payments are received for such expenses.

- b. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction. Grantee certifies, by signing this Grant Agreement that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal or state department or agency.

12. Recovery of Overpayments. Any funds disbursed to Grantee under this Grant Agreement that are expended in violation or contravention of one or more of the provisions of this Grant Agreement or applicable federal regulation (“Misexpended Funds”) must be returned to the City. Grantee shall return all Misexpended Funds to City promptly after City’s written demand and no later than fifteen (15) days after City’s written demand. The right to recovery provided in this section is in addition to and not in lieu of any right which Oregon law provides for breach of contract.

13. Maintenance of Records; Public Records. Grantee shall maintain accurate written records, including accounting records such as invoices, sales receipts, and proof of payment, books, documents, data and other evidence that reflects all of Grantee’s expenditures of the grant funds. These records must be sufficient to demonstrate that the funds have been used in accordance with ARPA and the U.S. Treasury Guidance issued for the expenditure of these funds. City or the federal government may at any time review the documentation to determine Grantee’s conformance with the requirements of Grantee’s Program, and Grantee shall make available to City or the federal government, upon request, all of Grantee’s records and documents with respect to all matters covered by this Grant Agreement.

- a. City may require Grantee to provide additional documentation if the existing documentation is deemed by City to be incomplete.
- b. Grantee shall retain all records related to this Grant Agreement for a period of six (6) years following the expenditure of any grant funds. These records, including materials generated under this Grant Agreement, shall be subject at all reasonable times to inspection and review by City and federal and state officials so authorized by law, regulation or agreement. Grantee agrees and understands it may be subject to the audit requirements of 2 C.F.R 200.501 and agrees to take all necessary steps to meet those requirements.
- c. If any litigation, claim or audit is started before the expiration of the six (6) year period provided in Section 13(b) above, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.
- d. All of Grantee’s documents and records related to this Grant Agreement, and all other documents and records provided to City by Grantee, may be public records subject to disclosure under the State of Oregon Public Records Law. Thus, City may be required, upon request, to disclose the Grant Agreement and documents or records related to it unless an exemption under the Public Records Law or other laws applies.

14. Independent Parties; Conflict of Interest.

- a. Grantee is not an officer, employee, or agent of City as those terms are used in ORS 30.265 or otherwise.
- b. Neither City nor Grantee, by virtue of this Grant Agreement, is a partner or joint venture with the other party in connection with the activities carried out under this Agreement.
- c. If Grantee is currently performing work for City or the federal government, Grantee by signature to this Grant Agreement, represents and warrants that Grantee's participation in this Grant Agreement creates no potential or actual conflict of interest as defined by ORS Chapter 244 and that no statutes, rules or regulations of the State of Oregon or federal agency for which Grantee currently performs work would prohibit Grantee's participation under this Agreement. Grantee certifies that it is not currently employed by the federal government.

15. Indemnification. Grantee shall defend, indemnify, and hold City, its officers, agents, employees and volunteers harmless against all liability, claims, losses, demands, suits, fees and judgments (collectively known as 'claims') that may be based on, or arise out of damage or injury (including death) to persons or property caused by or resulting from any act or omission sustained in connection with the performance of this Grant Agreement or by conditions created thereby or based upon violation of any statute, ordinance or regulation. This indemnification required shall not apply to claims caused by the sole negligence or willful misconduct of the City, its officers, agents, employees and volunteers. The Grantee agrees that it is not an agent of the City and is not entitled to indemnification and defense under ORS 30.285 and ORS 30.287.

16. Insurance. Grantee shall purchase and maintain at their own expense insurance policies with responsible insurers, insuring against liability, in the coverages and amounts described in Exhibit D.

17. Default; Remedies. In the event of breach of this Grant Agreement the Parties shall have the following remedies:

- a. Termination under this Grant Agreement shall be without prejudice to any obligations or liabilities of either Party already reasonably incurred prior to such termination.
 - i. Grantee may not incur obligations or liabilities after Grantee receives written notice of termination.
 - ii. Additionally, neither Party shall be liable for any indirect, incidental, consequential or special damages under this Grant Agreement or for any damages of any sort arising solely from the termination of this Grant Agreement in accordance with its terms.

- b. If this Grant Agreement is terminated by City due to a breach by Grantee, City may pursue any remedies available at law or in equity.
 - i. Such remedies may include, but are not limited to, termination of this Grant Agreement, return of all or a portion of funded amount, payment of interest earned on this funded amount, and declaration of ineligibility for the receipt of future grant/contract awards.
- c. If amounts previously paid to Grantee exceed the amount due to Grantee under this Grant Agreement, Grantee shall repay any excess to City upon demand.
- d. Neither City nor Grantee shall be held responsible for delay or default caused by fire, civil unrest, government declared public health emergency, labor unrest, riot, acts of God, or war where such cause was beyond reasonable control of the City or Grantee, respectively; however, Grantee shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement. For any delay in performance as a result of the events described in this subparagraph, Grantee may be entitled to additional reasonable time for performance that shall be set forth in an amendment to this Grant Agreement, but only upon City approval.
- e. The passage of this Grant Agreement expiration date shall not extinguish or prejudice City's or Grantee's right to enforce this Grant Agreement with respect to any default or defect in performance that has not been cured.
- f. City's remedies are cumulative to the extent the remedies are not inconsistent, and the City may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

18. Termination. All or part of this Grant Agreement may be terminated by mutual consent of both Parties or by either Party at any time for convenience upon sixty (60) days' notice in writing to the other Party. City may also terminate all or part of this Grant Agreement as specified below:

- a. This Grant Agreement shall be terminated immediately and no obligations, financial or otherwise, shall be imposed upon City if funding to City from federal or other sources is not obtained or is not continued at levels sufficient to allow for the underlying grant award. City will give notice whenever possible.
- b. With thirty (30) days' written notice, if federal or state regulations are modified or changed in such a way that the subject matter of the underlying grant award is no longer lawful or deemed an allowable use under this Grant Agreement or ARPA.
- c. Upon notice of denial, revocation, or non-renewal of any letter of approval, license, insurance, or certificate required by law or regulation to be held by the Grantee to provide a service under this Grant Agreement.

- d. With thirty (30) days' written notice, if Grantee fails to proceed as appropriate with the deemed allowable use(s) described in this Grant Agreement, or subsequent modifications, within the time specified herein, or any extensions thereof.
- e. Upon written notice, if Grantee fails to proceed with deemed allowable uses on or about the date specified in this Grant Agreement or subsequent modifications.
- f. Upon written or oral notice, if City has evidence that Grantee has endangered or is endangering the health and safety of any individuals.
- g. Failure of Grantee to comply with the provisions of this Grant Agreement and all applicable federal, state and local laws and rules which may be cause for termination of this Grant Agreement. The circumstances under which this Grant Agreement may be terminated by either Party under this paragraph may involve major or minor violations. Major violations include, but are not limited to:
 - i. Acts or omissions that jeopardize the health, safety, or security of individuals.
 - ii. Misuse of funds.
 - iii. Intentional falsification of records.
- h. In those circumstances where a major violation is substantiated, continued performance may be suspended by City immediately. In all cases involving a major violation, a written notice of intent to terminate this Grant Agreement shall be sent to Grantee found to be in violation. Prior to termination, Grantee shall be given a reasonable opportunity to refute the findings. If the problem is not corrected within a reasonable time as determined by City in its sole discretion, this Grant Agreement may be terminated or other remedial actions may be initiated.
- i. Minor violations usually involve less than substantial compliance with the general or special conditions of this Grant Agreement. In the event of alleged minor violations, written notice shall be given and a reasonable period shall be allowed to develop a corrective action plan. This plan shall describe activities that respond to specific violations and means by which a permanent change will be made in the procedures or practices that caused the violation. If these activities do not occur within the notice period, this Agreement may be terminated. Continued substantial minor violations that threaten adequacy of services may be treated like a major violation.
- j. Termination shall be without prejudice to any obligations or liabilities of either Party that accrued prior to such termination.
- k. Grantee shall make no expenditures, enter into no contracts, nor encumber funds in its possession or to be transferred by City, after notice of termination and later termination as set out above, without prior written approval from City.

19. Payment on Early Termination. Upon termination pursuant to Paragraph 18, payment shall be made as follows:

- a. If this Grant Agreement is terminated because funding from federal, state, or other sources is not obtained or is not continued at levels sufficient to allow for purchase of the indicated quantity of services, City shall pay Grantee for deemed allowable uses undertaken prior to the termination date if such use was performed in accordance with the Grant Agreement. Provided however, City shall not be obligated to allow grant funds to be payable to Grantee for any obligations or liabilities incurred by Grantee after Grantee receives written notice of termination.
- b. If this Grant Agreement is terminated due to Grantee's failure to perform services in accordance with this Grant Agreement, City obligations shall be limited to payment for uses/expenditures incurred in accordance with this Grant Agreement prior to the date of notice of termination, less any damages suffered by City.
- c. If this Grant Agreement is terminated by Grantee due to a breach by City, then City shall pay Grantee for use/expenditures incurred prior to the termination date if such work was performed in accordance with the Grant Agreement.

20. Grantee's Tender upon Termination. Upon receiving a notice of termination of this Grant Agreement, Grantee shall immediately cease all activities under this Grant Agreement unless City expressly directs otherwise in such notice of termination.

- a. Upon termination of this Grant Agreement, Grantee shall, as applicable, deliver to City all documents, information, works-in-progress and other property that are or would be deliverables had this Grant Agreement been completed.
- b. Upon City's request, Grantee shall surrender to anyone City designates, all documents, research, objects or other tangible things needed to continue the deemed allowable uses.

21. Duplication of Benefits. In consideration of Grantee's receipt of funds from City, Grantee assigns to City all of its future rights to reimbursement and all payments received from any grant, subsidized loan, or insurance policies of any type or coverage or under any reimbursement or relief program related to or administered by the Federal Emergency Management Agency, the Small Business Administration or other program, including ARPA, to the extent of proceeds paid to Grantee under this Grant Agreement and that are determined in the sole discretion of City to be a duplication of benefits ("DOB"). Upon receiving any DOB proceeds, Grantee agrees to immediately notify City. If some or all of the proceeds are determined to be a DOB, the portion that is a DOB shall be paid to City forthwith. If Grantee is entering into sub-grant agreements for reallocating funds received under this Grant Agreement, Grantee shall ensure subrecipients agree to this provision as well.

22. Subrogation. Grantee grants waiver of subrogation to City, its officers, agents, employees and volunteers for any claims arising out of Grantee's work or service. Further, Grantee agrees that in the event of loss due to any of the risks for which it has agreed to provide insurance on, recovery by Grantee shall be solely with its insurance carrier. Grantee also grants to City on behalf of any insurer providing coverage to either Grantee or City with respect to the work or services of Grantee a waiver of any right to subrogation which any insurer or Grantee may acquire against City by virtue of the payment of any loss under such insurance coverage.

23. Nondiscrimination - ADA Compliance. Grantee agrees to comply with Title VI of the Civil Rights Act of 1964, with Section V of the Rehabilitation Act of 1973, and with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Grantee also shall comply with the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act (ADAAA) of 2008 and any subsequent amendments (42 U.S.C. § 12101, et seq.) (Pub No. 101-336), ORS 659A, and all regulations and administrative rules established pursuant to those laws. Grantee agrees to comply with ADA in its employment and nondiscrimination practices, and that it shall perform its contractual obligations consistent with ADA federal requirements/regulations, state disability and accessibility law and requirements, and applicable regulations and administrative rules established pursuant to those laws.

24. Governing Law and Venue. This Grant Agreement shall be governed by and interpreted and enforced in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. The venue for any claim, action, suit, or proceeding between Grantee and City that arises from or relates to this Grant Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a claim shall be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. By signing this Grant Agreement, Grantee consents to the in personam jurisdiction of such courts.

25. Notices. All notices and demands of a legal nature that either Party may be required or may desire to serve upon the other Party shall be in writing and shall be served upon the other Party by personal service, by facsimile transmission, email followed by mail delivery of the original of the notice, by overnight courier with proof of receipt, or by certified mail, return receipt requested, postage prepaid, addressed as follows:

City of Keizer:
Attn: City Manager
930 Chemawa Rd NE
PO Box 21000
Keizer, Oregon 97307

CASA of Marion County
Attn: Executive Director
3530 River Road N
PO Box 20298
Keizer, OR 97307

Service by mail shall be deemed complete on the date of actual delivery or three business days after being sent via certified mail. Service by facsimile transmission or email shall be deemed served upon receipt of the facsimile or email, followed by mail delivery.

26. Assignment of Contract. Grantee shall not assign this Grant Agreement without the prior written consent of City, which may be given or withheld in City's sole discretion. The provisions of this Grant Agreement shall be binding upon and inure to the benefit of the Parties, their respective successors, and permitted assigns.

27. Entire Agreement. The Parties agree that this Grant Agreement, including referenced exhibits, is the complete expression of the terms agreed to by the Parties. No other understandings or representations, oral or otherwise, regarding the subject matter of this Grant Agreement shall be deemed to exist or to bind the Parties. The Parties may amend this Grant Agreement by a written amendment properly executed by both Parties.

28. No Third-Party Beneficiaries. City and Grantee are the only parties to this Grant Agreement and are the only parties entitled to enforce its terms. Nothing in this Grant Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are identified by name herein and expressly described as intended beneficiaries of the terms of this Grant Agreement.

29. Waiver. The City's failure to enforce a provision of this Grant Agreement shall not constitute a continuing waiver, shall not constitute a relinquishment of City's right to performance in the future and shall not operate as a waiver of City's right to enforce any other provision of this Grant Agreement.

30. Limitation on Authority. City retains its authority to execute all applications, agreements and other documents relating to the Grant Agreement. Grantee has no right or authority, express or implied, to commit or otherwise obligate City or any of its partners, except as permitted by the express terms of this Grant Agreement, or as authorized in writing.

31. Severability. In the event any term or condition of this Grant Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this Grant Agreement that can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Grant Agreement are declared severable.

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32. Counterparts. This Grant Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Grant Agreement so executed shall constitute an original.

CITY OF KEIZER

CASA OF MARION COUNTY

By: _____
Adam M. Brown,
City Manager

By: _____
Shaney Starr,
Executive Director

APPROVED AS TO FORM:

Keizer City Attorney

Exhibit A
PROGRAM USES

City of Keizer – ARPA Grant Proposal

CASA of Marion County serves at risk youth, 0-18 years in foster care due to abuse and neglect; Safe Families of the Mid-Willamette Valley serves all of Marion and Polk Counties and is dedicated to decreasing the number of children and families becoming involved with the foster care system by providing short term respite care for children, 0-18 years of families in crisis. This funding is earmarked to embark on volunteer recruitment activities and campaigns for both programs that were postponed due to COVID. These funds will be also used for programming to the help with the training and supervision needs for CASA and Safe Families for Children volunteers due to pandemic shutdowns being lifted and the number of kids coming into foster care increasing. The funding will help support a .25 FTE position focused on data entry and case monitoring to ensure quality data collection to report outcomes to the State Legislature and .75 FTE for Program Management

January 2023- Kick off one-year recruitment campaigns for both CASA and Safe Families for Children. This will include hiring community engagement staff, social medial campaign, collateral materials, billboards and bus ads and targeted cable television advertisements.

October 2022 - hire community engagement specialists focusing on marginalized communities to ensure we have a diverse pool of volunteers in both programs.

July 2022 - hire data entry/program support specialist for case monitoring and data entry.

January 2024 - Kick off one-year recruitment campaign for both CASA and Safe Families for Children programs.

\$25,000 - 2022 advertising campaign

\$25,000 - 2023 advertising campaign

\$40,000 - 2 .3 FTE community engagement specialists focusing on BIPOC communities

\$10,000 - .25 FTE program support specialist for data entry and case tracking

\$50,000 - .75 FTE Program Staffing

Exhibit B**FUNDING / BUDGET****1. Funding.** City shall provide funding to Grantee as follows:

A. The City will fund Grantee in accordance with: Lump sum payment of \$150,000 within fifteen (15) days of execution of the Agreement.

B. Notwithstanding any other payment provision of this Grant Agreement, should Grantee fail to submit required reports when due, or fail to perform or document the employment of funding for the deemed allowable uses; the City may immediately recover payments under this Grant Agreement or reject part or all of Grantee's request for funds.

C. If the federal government disallows or requests repayment for any funds paid under this Grant Agreement due to Grantee's acts or omissions, Grantee shall make payment to the City of the amount the federal government disallows or requests repayment.

2. The Maximum Funding Award.

A. The maximum funding award under this Grant Agreement is \$150,000.

B. Grantee shall not submit request for funds / invoices for, and the City shall not pay for any sum in excess of the maximum funding award amount set forth above.

- 1) The City may have need to amend maximum funding award through amendment of this Grant Agreement. If this maximum funding award amount is decreased or increased by amendment of this Grant Agreement, the amendment shall be fully effective before Grantee undertakes operations or proceeds with deemed allowable uses subject to the amendment.
- 2) Notwithstanding any other funding provision of this Grant Agreement, should Grantee fail to submit required reports, itemized receipts or documentation as outlined in this Grant Agreement or as required by the federal government as a condition of ARPA funding, or fail to perform or document the performance of awarded project / uses; the City may recover payments and shall immediately withhold any future funding under this Grant Agreement or reject part or the Grantee's entire request for funding.
- 3) In the event that a statutorily required license or insurance is suspended or not extended, the City's obligation to provide funding for uses / operations rendered without the necessary license or insurance will cease as of the date of expiration or suspension of license and/or insurance.

Exhibit C
FEDERAL TERMS AND CONDITIONS

OMB Approved No. 1505-0271
 Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY
 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: <i>[Recipient to provide]</i> <i>City of Keizer, Oregon</i> <i>930 Chemawa Rd NE</i> <i>Keizer, OR 97303</i>	DUNS Number: <i>[Recipient to provide]</i> 038038147 Taxpayer Identification Number: <i>[Recipient to provide]</i> 93-0836902 Assistance Listing Number: 21.019
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:



Authorized Representative:

Title: *Finance Director*

Date signed: *8/3/2021*

Approved as to form:


 Keizer City Attorney

U.S. Department of the Treasury:

 Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

Exhibit C-1**NON-DUPLICATION OF BENEFIT CERTIFICATION (End-User)**

Please complete the following information regarding your current business or organization that has been awarded funding assistance.

Date: _____ Legal

Name: _____

Business / Organization Name: _____

Address: _____

Phone Number: _____ Email: _____

(A) I have **not** received **any** previous funding assistance for any of the expenses or reimbursements provided by this grant funding.

_____(Initial)

(B) I agree only to use the funding I have received in connection with this program for eligible uses, which include housing, utilities, food, or other basic necessities.

_____(Initial)

CERTIFICATION: I Certify that the information that I have provided above is an accurate and complete disclosure. I understand that to perjure myself in order to help another obtain assistance is a fraudulent offense for which I can be prosecuted.

End User: _____ Date: _____

Signature: _____

Exhibit D
INSURANCE

EXHIBIT B – INSURANCE REQUIREMENTS

Recipient shall obtain at Recipient's expense the insurance specified in this Exhibit B before performing under this Contract and shall maintain it in full force and at its own expense throughout the duration of this Contract, as required by any extended reporting period or continuous claims made coverage requirements, and all warranty periods that apply. Recipient shall obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to DAS. Coverage shall be primary and non-contributory with any other insurance and self-insurance, with the exception of Professional Liability and Workers' Compensation. Recipient shall pay for all deductibles, self-insured retention and self-insurance, if any. Recipient shall require and ensure that each of its subcontractors complies with these requirements and maintains insurance policies with responsible insurers, insuring against liability, in the coverages and amounts identified below.

WORKERS' COMPENSATION & EMPLOYERS' LIABILITY

All employers, including Recipient, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Recipient shall require and ensure that each of its subcontractors complies with these requirements. If Recipient is a subject employer, as defined in ORS 656.023, Recipient shall also obtain employers' liability insurance coverage with limits not less than \$500,000 each accident. If Recipient is an employer subject to any other state's workers' compensation law, Contactor shall provide workers' compensation insurance coverage for its employees as required by applicable workers' compensation laws including employers' liability insurance coverage with limits not less than \$500,000 and shall require and ensure that each of its out-of-state subcontractors complies with these requirements.

As applicable, Recipient shall obtain coverage to discharge all responsibilities and liabilities that arise out of or relate to the Jones Act with limits of no less than \$5,000,000 and/or the Longshoremen's and Harbor Workers' Compensation Act.

COMMERCIAL GENERAL LIABILITY:

☒ **Required** ☐ **Not required**

Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State. This insurance shall include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this contract, and have no limitation of coverage to designated premises, project or operation. Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence. Annual aggregate limit shall not be less than \$2,000,000.

AUTOMOBILE LIABILITY INSURANCE:

☒ **Required** ☐ **Not required**

Automobile Liability Insurance covering Recipient's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and Automobile Liability). Use of personal automobile liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

A. Automobile Liability Broadened Pollution Liability Coverage Endorsement

If Recipient is transporting any type of **hazardous materials** to implement the Project, then endorsements CA 99 48 or equivalent and MSC-90 (if Recipient is a regulated motor carrier) are required on the Automobile Liability insurance coverage.

PROFESSIONAL LIABILITY:☒ Required ☐ Not required

Professional Liability covering any damages caused by an error, omission or any negligent acts related to the services to be provided under this Contract by Recipient and Recipient's subcontractors, agents, officers or employees in an amount not less than \$1,000,000 per claim. Annual aggregate limit shall not be less than \$2,000,000. If coverage is on a claims-made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability insurance coverage, or Recipient shall provide continuous claims made coverage as stated below.

[REDACTED]

[REDACTED]

[REDACTED]

EXCESS/UMBRELLA INSURANCE

Umbrella insurance coverage in the sum of \$2,000,000 shall be provided and will apply over all liability policies, without exception, including but not limited to Commercial General Liability, Automobile Liability, and Employers' Liability coverage. The amounts of insurance for the insurance required under this Contract, including this Excess/Umbrella insurance requirement, may be met by the Contractor obtaining coverage for the limits specified under each type of required insurance or by any combination of underlying, excess and umbrella limits so long as the total amount of insurance is not less than the limits specified for each type of required insurance added to the limit for this excess/umbrella insurance requirement.

ADDITIONAL INSURED:

All liability insurance, except for Workers' Compensation, Professional Liability, and Network Security and Privacy Liability (if applicable), required under this Contract must include an additional insured endorsement specifying the State of Oregon, its officers, employees and agents as Additional Insureds, including additional insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Recipient's activities to be performed under this Contract. Coverage shall be primary and non-contributory with any other insurance and self-insurance. The Additional Insured endorsement with respect to liability arising out of your ongoing operations must be on ISO Form CG 20 10 07 04 or equivalent and the Additional Insured endorsement with respect to completed operations must be on ISO form CG 20 37 07 04 or equivalent.

WAIVER OF SUBROGATION:

Recipient shall waive rights of subrogation which Recipient or any insurer of Recipient may acquire against the DAS or State of Oregon by virtue of the payment of any loss. Recipient will obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the DAS has received a waiver of subrogation endorsement from Recipient or Recipient's insurer(s).

CONTINUOUS CLAIMS MADE COVERAGE:

If any of the required liability insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, then Recipient shall maintain continuous claims made liability coverage, provided the effective date of the continuous claims made coverage is on or before the effective date of this Contract, for a minimum of 24 months following the later of:

- (i) Recipient's completion and DAS's acceptance of all Services required under the Contract, or
- (i) DAS or Recipient termination of this Contract, or
- (ii) The expiration of all warranty periods provided under this Contract.

CERTIFICATE(S) AND PROOF OF INSURANCE:

Upon request, Recipient shall provide to DAS Certificate(s) of Insurance for all required insurance before delivering any Goods and performing any Services required under this Contract. The Certificate(s) shall list the State of Oregon, its officers, employees and agents as a Certificate holder and as an endorsed Additional Insured. The Certificate(s) shall also include all required endorsements or copies of the applicable policy language effecting coverage required by this Contract. If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance. As proof of insurance DAS has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Contract.

NOTICE OF CHANGE OR CANCELLATION:

Recipient or its insurer must provide at least 30 days' written notice to DAS before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

INSURANCE REQUIREMENT REVIEW:

Recipient agrees to periodic review of insurance requirements by DAS under this Contract and to provide updated requirements as mutually agreed upon by Recipient and DAS.

STATE ACCEPTANCE:

All insurance providers are subject to DAS acceptance. If requested by DAS, Recipient shall provide complete copies of insurance policies, endorsements, self-insurance documents and related insurance documents to DAS's representatives responsible for verification of the insurance coverages required under this Exhibit B.

CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: JUNETEENTH

Juneteenth was recognized as a State of Oregon holiday on June 1, 2021. It was recognized as a Federal holiday on June 17, 2021. In a recent informal survey of other Oregon municipalities, we have learned that the majority have either already recognized Juneteenth as a holiday or are in the process of doing so at this time.

The City of Keizer Personnel Policy Manual currently includes ten holidays that line up with state holidays, with the exception of Columbus Day; the City has the day after Thanksgiving instead.

RECOMMENDATION:

Review the attached Resolution and take appropriate action.

Please contact me if you have any questions. Thank you.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

AMENDING THE KEIZER PERSONNEL POLICY MANUAL
REGARDING HOLIDAYS OBSERVED (SECTION 13, PAGE 53);
AMENDING RESOLUTION R2010-2040

WHEREAS, it is the policy of the City of Keizer to provide personnel policies that are consistent and fair for employees and are a wise use of public funds;

WHEREAS, the City Council wishes to amend a certain personnel policy;

WHEREAS, Resolution R2010-2040 regarding personnel policies provides for holidays that are observed and City-paid (Section 13, Page 53);

WHEREAS, Resolution R2010-2040 regarding personnel policies provides for floating holiday leave (Section 13, Page 55);

WHEREAS, the City Council of the City of Keizer has determined that Juneteenth should be an observed holiday and included as a City-paid holiday;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Resolution R2010-2040 (Personnel Policies) is hereby amended regarding holidays observed (Section 13, Page 53) by adding Juneteenth in the list of Holidays Observed.

BE IT FURTHER RESOLVED that Resolution R2010-2040 (Personnel Policies) (Floating Holiday leave – Section 13, Page 55) is hereby amended as follows:

FLOATING HOLIDAY LEAVE

In lieu of authorized holidays and personal leave days, employees whose work schedules are outside the conventional Monday through Friday

workweek (such as Patrol Sergeants and Sergeants who work a 10-hour shift) are entitled to take ~~twelve (12)~~ **thirteen (13)** paid floating holidays off each fiscal year. Floating holiday leave shall accrue bi-weekly as follows:

- Employees assigned to a twelve (12) hour shift accrue ~~5.54~~ **6.00** hours floating holiday time.
- Employees assigned to a ten (10) hour shift accrue ~~4.62~~ **5.00** hours floating holiday time.
- Employees assigned to an eight (8) hour shift accrue ~~3.70~~ **4.00** hours floating holiday time.

Floating holiday time off may be scheduled and approved up to ninety (90) days in advance on a first come, first serve basis within each department. Holiday accrual shall not exceed twenty-four (24) hours.

Employees assigned to Floating Holidays will schedule holidays in good faith based on days available with their Supervisor's approval, which are to be withheld only to meet operational and staffing needs. Holiday time off not taken in accordance with this policy will be lost unless not taken or canceled by the department for operational reasons, in which case it will be paid.

BE IT FURTHER RESOLVED THE City Manager and appropriate Department Directors are authorized to sign Memorandum of Understandings/Memorandum of Agreements to the Collective Bargaining Agreements consistent with this action.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2022.
SIGNED this _____ day of _____, 2022.

Mayor

City Recorder

CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: APPROVAL OF CONSULTANT’S REPORT RELATING TO
WHEATLAND ROAD MULTI MODAL STUDY**

At its January 10, 2022 Council work session meeting, the Council received a power point presentation and discussed the presented plan. The primary objective of the Wheatland Road Corridor Plan project was to develop a multimodal corridor plan and conceptual street design that removes barriers for all modes of travel. The consultant is recommending Alternative #3.

While the consultant involved the community throughout the process, this plan is not an amendment or subset of the Comprehensive Plan or Development Code.

I have attached a Resolution approving and acknowledging the plan for your consideration.

RECOMMENDATION:

Adopt the attached Resolution approving and acknowledging the “Wheatland Road Corridor Plan – December 2021”.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

APPROVING REPORT OF CONSULTANT RELATING TO
WHEATLAND ROAD CORRIDOR PLAN

WHEREAS, staff has been working with DKS Associates to conduct a conceptual design for the Wheatland Road corridor that would remove barriers for all modes of travel and create an enjoyable experience for all users;

WHEREAS, the report was presented to the City Council at its January 10, 2022 work session;

WHEREAS, the City Council desires to approve the report as prepared;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the attached “Wheatland Road Corridor Plan – December 2021” is hereby approved and acknowledged by the City Council.

BE IT FURTHER RESOLVED that such study is not an amendment or subset of the Keizer Comprehensive Plan or the Keizer Development Code and this Resolution does not constitute a land use decision.

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2022.

4

5 SIGNED this _____ day of _____, 2022.

6

7

8

9

Mayor

10

11

12

City Recorder

WHEATLAND ROAD CORRIDOR PLAN

DECEMBER 2021



ACKNOWLEDGMENTS

CITY OF KEIZER

Bill Lawyer, Public Works Director
Shane Witham, Planning Director

DKS ASSOCIATES

Scott Mansur, PE, PTOE
Jenna Bogert, PE
Travis Larson, EI

AKS ENGINEERING

Richard Walker, PE
Tyler Roth, PE

TECHNICAL ADVISORY COMMITTEE

Hersch Sangster (Keizer Traffic Safety-Bikeways–Pedestrian Committee)
Michael Jaffe (Mid-Willamette Valley Council of Governments)
Dan Fricke (Oregon Department of Transportation – Region 2)
Bill Lawyer and Shane Witham (City of Keizer)

01 EXECUTIVE SUMMARY

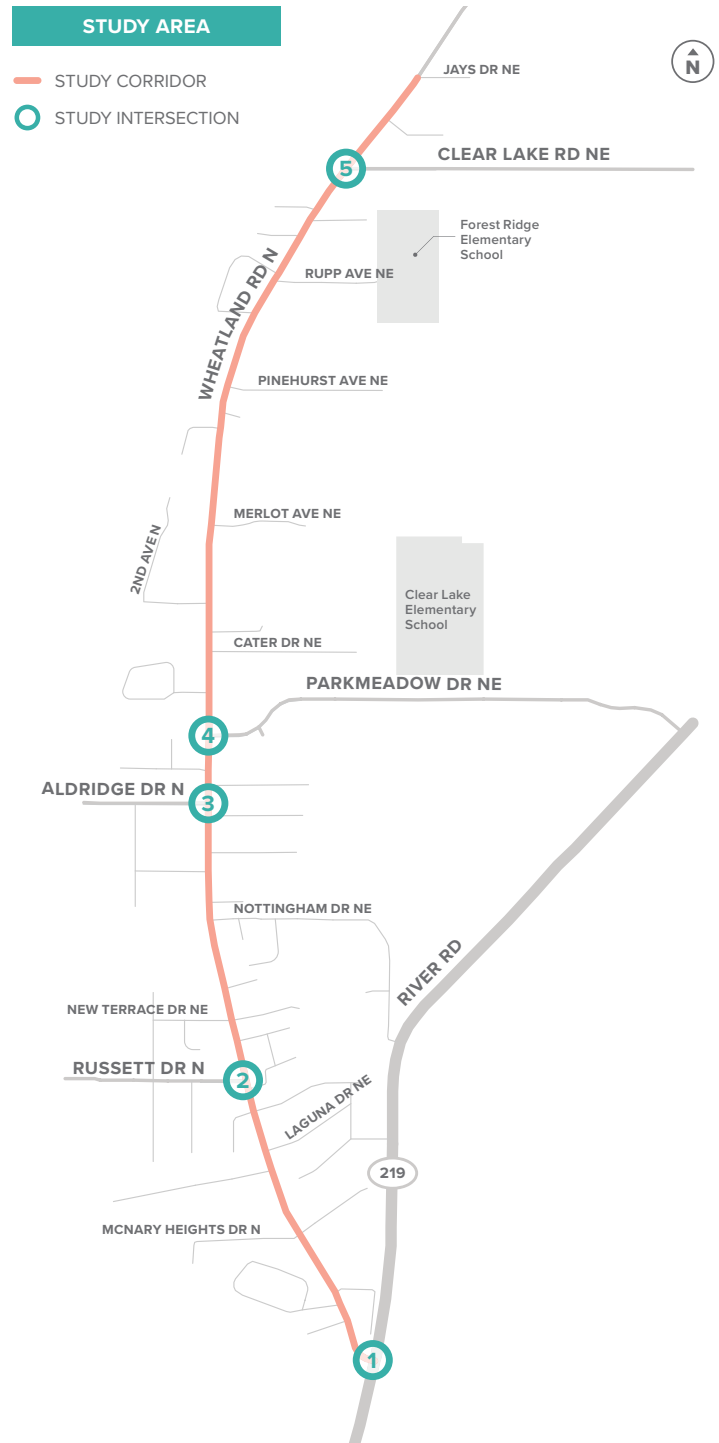


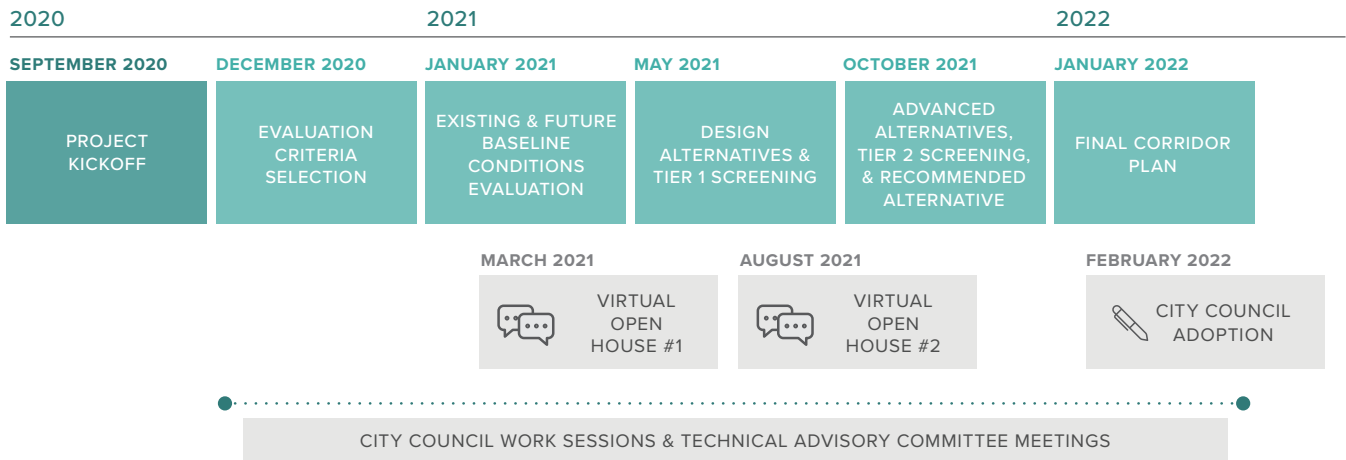
PROJECT INTRODUCTION, GOALS, AND RECOMMENDATION

The primary objective of the Wheatland Road Corridor Plan project was to develop a multimodal corridor plan and conceptual street design that removes barriers for all modes of travel, considers the latest urban safety improvements for pedestrians, bicycles, and transit riders, and creates an enjoyable experience for users. The project included community involvement to assure the design plan is consistent with the needs of key stakeholders (including neighborhoods, schools, and businesses).

The project area along Wheatland Road stretches from Jays Drive, in the north, to River Road, in the south, for a total of 1.8 miles in Keizer, Oregon. The project process included evaluating existing and future baseline conditions, identifying evaluation criteria, screening three project alternatives (Tier 1 Screening), selecting two project alternatives to further screen (Tier 2 Screening), providing a recommended alternative, presenting the findings to City Council, and then adopting the Final Corridor Plan.

Throughout the project, the project team took time to listen and understand community issues, thereby being able to address concerns to put together the best solution for this particular community. The project team received public input primarily through the two virtual open houses held at key stages of the project. Regular meetings were also held with the City and a Technical Advisory Committee (TAC).

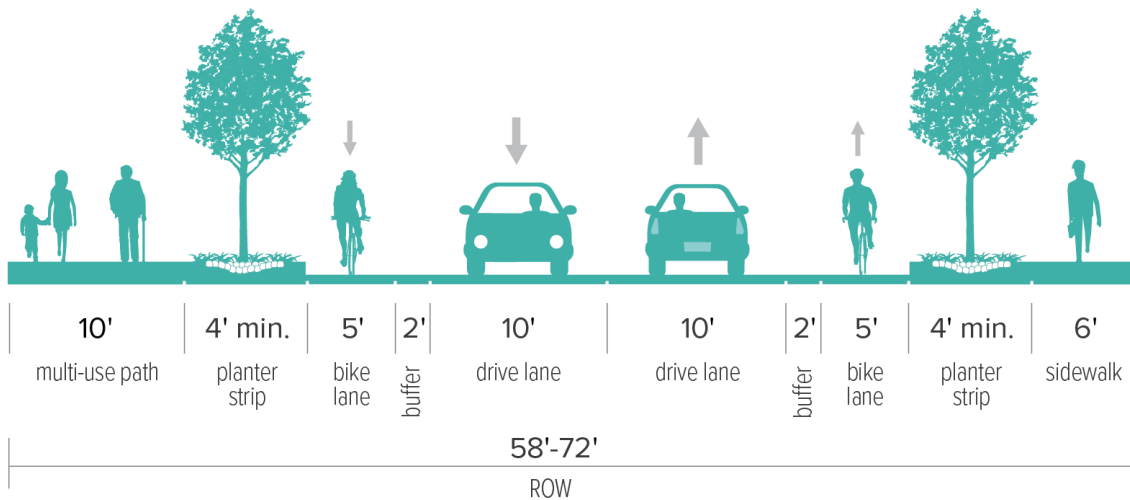




In weighing all the information identified in this study, including the City's transportation goals, community feedback, estimated costs, and technical analysis, the project team recommends that **Alternative #3: Multi-Use Path with Buffered Bike Lanes is the**

best solution for Wheatland Road. This alternative is also the general community's preferred alternative and is anticipated to be the safest option, helps support multimodal travel, and is consistent with community's visions for Wheatland Road.

BUFFERED BIKE LANES & MULTI-USE PATH: WHEATLAND ROAD



EXISTING AND FUTURE BASELINE CONDITIONS

Existing transportation facilities and travel conditions on Wheatland Road were evaluated to establish a baseline for existing operations and to assess potential design alternatives and improvements to the corridor.

EXISTING TRANSPORTATION FACILITIES



The existing transportation facilities are summarized as follows:

- **Roadway Configuration:** Two travel lanes with on-street bike lanes
- **Pavement Condition:** Rated either good or very good condition, with some preventative maintenance recommended.
- **Roadway Context:** Majority residential/suburban uses with some commercial uses
- **Right-of-Way:** Width ranges from approximately 60 feet to 72 feet.
- **Sidewalks:** Intermittently spaced sidewalks of standard width and are typically located curbside. Large gaps in connectivity exist with safety concerns for pedestrians, especially young children. Walkability of corridor is generally rated

as “Poor.” The majority of curb ramps along the corridor are either missing or not meeting current ADA standards.

- **Marked Pedestrian Crossings:** Marked school crossings are located at Clear Lake Road and Parkmeadow Drive.
- **Bike Lanes:** Marked on-street bicycle lanes varying between five feet and six feet wide exist on both sides of Wheatland Road. Bikeability of corridor is generally rated as “Fair.”
- **Transit:** Cherriots (Salem Area Mass Transit District) services the southern end of the corridor from Parkmeadow Drive to River Road, with five southbound bus stops located within the project corridor vicinity. None of the transit bus stops currently have amenities or covered waiting areas.
- **Posted Speed Limit:** 40 mph, 85th percentile speed is 44-45 mph.
- **Street Lighting:** Non-uniform lighting throughout the corridor on Portland General Electric (PGE) utility poles.

TRAVEL CONDITIONS HIGHLIGHTS

A wide variety of measures were used to evaluate existing and future baseline travel conditions including traffic patterns, crash data, intersection operations, and quality of travel for pedestrians and bicyclists. Traffic volumes vary by time of day and follow a typical directional pattern; both the morning (AM) peak period (7am to 9am) and evening (PM) peak period (4pm to 6pm) were analyzed.

HIGHLIGHTS OF THE EXISTING TRAVEL CONDITIONS:

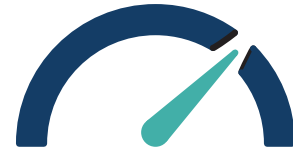


DAILY TRAFFIC VOLUME
RANGES BETWEEN
5,300 AND 8,600
ALONG THE CORRIDOR



2.75 MINUTES
AVERAGE **END-TO-END**
TRAVEL TIME ON THE CORRIDOR
DURING THE **PM PEAK PERIOD**

**85TH PERCENTILE SPEEDS ARE UP TO
5 MPH HIGHER THAN THE POSTED SPEEDS**



ALL STUDY INTERSECTIONS **MEET THE CITY'S
OPERATING STANDARDS** FOR BOTH THE
EXISTING (2020) AND FUTURE BASELINE
CONDITIONS (2042)

RUSSETT DRIVE AND CLEAR
LAKE ROAD INTERSECTIONS HAD
**CRASH RATES HIGHER THAN
90% OF INTERSECTIONS OF
SIMILAR TYPE IN OREGON**



IN THE LAST 5 YEARS, THERE
HAS BEEN:



1 SERIOUS INJURY



3 PEDESTRIAN CRASHES



1 BICYCLE CRASH

EVALUATION CRITERIA

The goals, objectives, and policies for the future of Keizer's transportation system are found in the City's Transportation System Plan (TSP). These attributes guided the direction of the Wheatland Road Corridor Study and public process. Based on the goals, objectives, and policies, the following criteria were identified to evaluate the proposed design alternatives.

TIER 1 CRITERIA:

- Neighborhood Livability
- Environmental
- Utilization of Existing Infrastructure
- Traffic Operations
- Safe Routes to School
- Safety
- Transportation Mode Choices/
Multimodal Connectivity
- Equity
- Convenient and Accessible Transit
- Cost-Effective

TIER 2 CRITERIA:

- Traffic Operations (delay, queuing, and speed)
- Pedestrian and Bicycle Qualitative Assessment
- Safety Impacts (including Safe Routes to School)
- Right-of-Way and Utility Impacts
- Planning-Level Cost Estimates

VIRTUAL OPEN HOUSE #1 SUMMARY

Virtual Open House #1 was held from February 12th to March 21st (total of 38 days). The open house was accessed through the City's project website¹ and provided the general public with digital posterboards, the two technical memoranda describing the existing and future baseline conditions and evaluation criteria, as well as a 10-question feedback survey. There were over 550 website views and 55 feedback surveys completed during the open house period.

38

38 TOTAL DAYS FROM FEBRUARY 12TH TO MARCH 21ST



550
WEBSITE
VIEWS

55 FEEDBACK
SURVEYS
COMPLETED



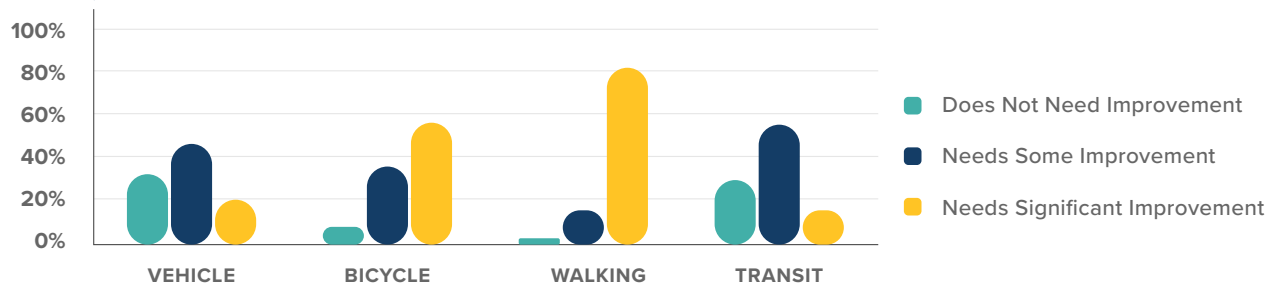
The primary goals of the open house were to determine community priorities and help identify any deficiencies in the corridor that the project team had not identified. The most significant feedback received from the survey is listed below:

- Walking and biking were the modes of travel with the biggest barriers.
- The most common corridor improvements recommended by the public were a multi-use path, continuous sidewalks, enhanced street lighting, and lower vehicle travel speeds.
- Safety, neighborhood livability, and Safe Routes to School were selected as the most important evaluation criteria.
- Over 60 percent of respondents said that they would support a speed limit reduction.

¹ <https://www.keizer.org/WheatlandRoadMultimodalCorridorPlan>

OPEN HOUSE #1: FEEDBACK SURVEY RESULTS

THE GOAL OF THIS PROJECT IS TO INCREASE SAFETY AND MOBILITY FOR ALL MODES OF TRAVEL. WHAT LEVEL OF IMPROVEMENT DO YOU THINK THESE MODE(S) OF TRAVEL NEED?

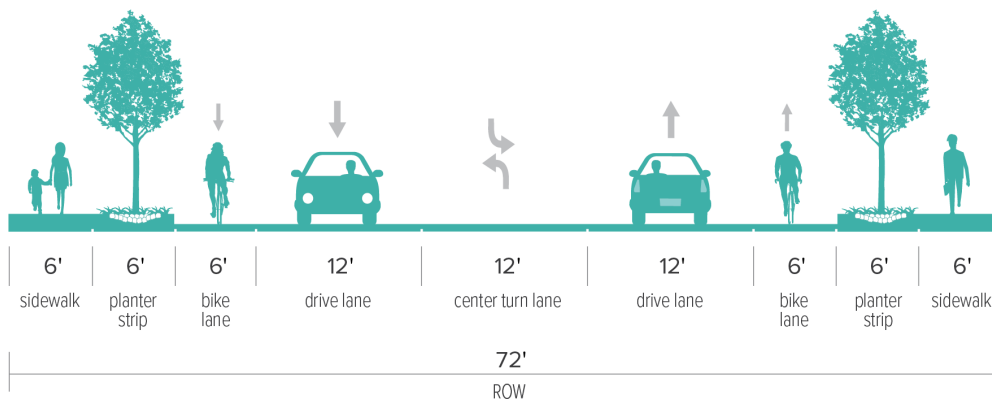


DESIGN ALTERNATIVES

Three conceptual design alternatives and an existing (No Build) scenario were proposed for consideration for the Wheatland Road Corridor. The variety of alternatives included various transportation elements: sidewalks, planter strips, bicycle lanes, bicycle

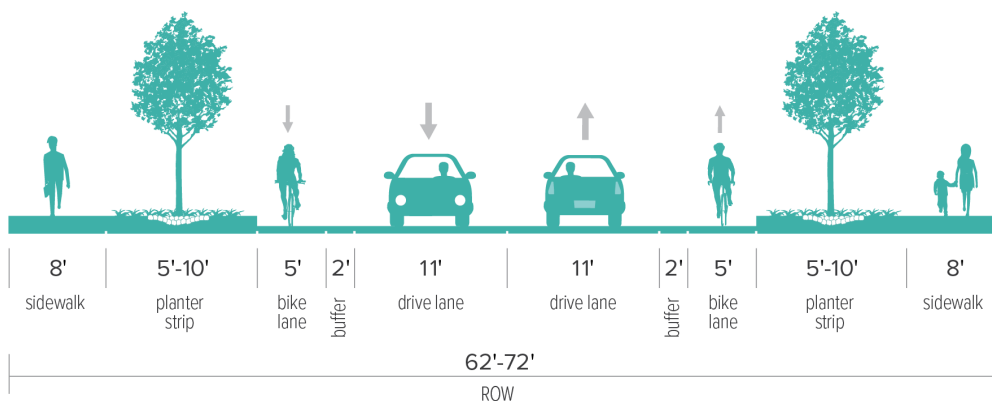
buffers, multi-use path, and vehicle travel lanes. Consideration was given to existing infrastructure and vegetation, right-of-way, and deficiencies and needs identified in Technical Memorandum #1. The three alternatives are shown below.

ALTERNATIVE #1: TRANSPORTATION SYSTEM PLAN



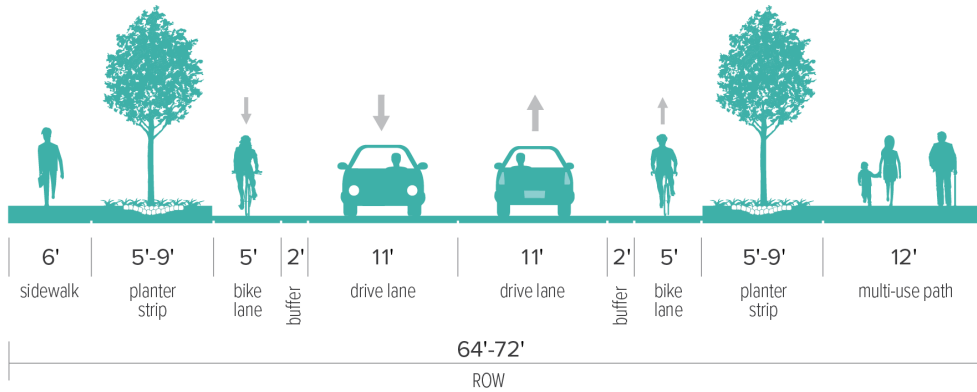
Alternative #1 is based on the City's standard for Minor Arterials and includes a center turn lane, sidewalks, on-street bike lanes, and planter strips.

ALTERNATIVE #2: BUFFERED BIKE LANES



Alternative #2 provides more comfortable bicycle facilities by adding a buffer and includes wide 8' sidewalks on both sides of the road.

ALTERNATIVE #3: BUFFERED BIKE LANES & MULTI-USE PATH



Alternative #3 provides a 12' multi-use path that accommodates cyclists of all ages and abilities as well as buffered bike lanes for more experienced riders.

TIER 1 SCREENING RESULTS

A Tier 1 Screening of the three design alternatives was performed to identify the alternative(s) that would most align with the goals, objectives, and policies of the City. This was done by scoring the alternatives based on the evaluation criteria previously determined. The criteria were scored over a range of -2 to +2 as compared to the Existing Configuration. A score of 0 implied that the alternative had no change from the existing, a negative score implied that the alternative degraded conditions, and a positive score implied that the alternative improved conditions. The scoring weighed each of the ten criterion equally.

All three alternatives were shown to be an overall improvement from existing conditions, with Alternative #3 having the most improvement and

Alternative #2 not far behind. The larger difference in scores between Alternative #1 and Alternatives #2 and #3 can be attributed to two factors. First, Alternatives #2 and #3 provide increasingly safer multimodal facilities. The buffered bike lanes and wider sidewalks are safe options for students going to/from school as well as the general public. The multi-use path in Alternative #3 provides additional safety for bicyclists of all ages and abilities. Secondly, Alternatives #2 and #3 have similar pavement cross section widths as the existing condition, meaning that road reconstruction would be less invasive than Alternative #1. More of the existing infrastructure could be utilized for Alternatives #2 and #3, also decreasing the total project cost.

TIER 1 SCORING RESULTS

ALTERNATIVE #1 TRANSPORTATION SYSTEM PLAN

1.25

ALTERNATIVE #2 BUFFERED BIKE LANES

1.65

ALTERNATIVE #3 BUFFERED BIKE LANES & MULTI-USE PATH

1.75

VIRTUAL OPEN HOUSE #2 SUMMARY

Virtual Open House #2 was held from July 23rd to August 8th (total of 17 days). As with the first open house, the second open house was also accessed through the City's project website and provided the public with digital posterboards, all technical documentation to-date, as well as a four-question feedback survey. There were over 740 website views and 196 feedback surveys submitted.



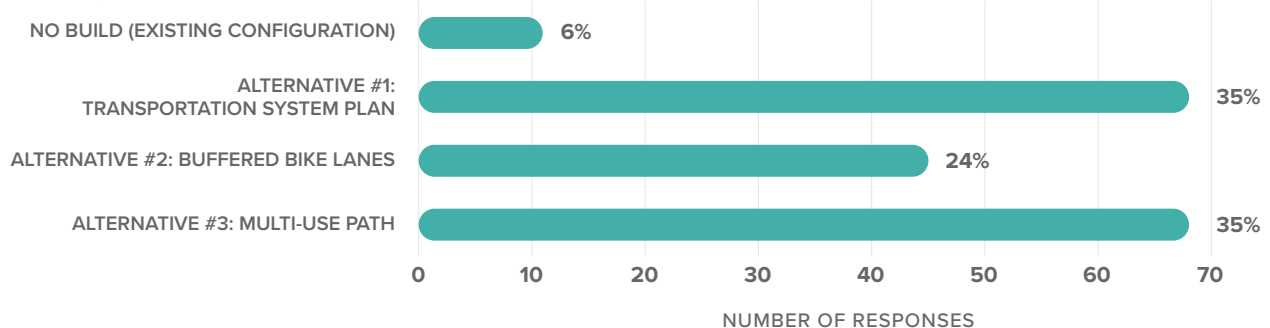
A few additional responses from the public were also emailed to the City staff directly. The primary goals of the open house were to gather community

input on the conceptual design alternatives and collect feedback on general project concerns. A few highlights of the survey responses include:

- Alternative #1: TSP and Alternative #3: Multi-Use Path and Buffered Bike Lanes were the most preferred design concepts, both receiving 35 percent of the votes, respectively. It is important to note that Alternatives #2 and #3 are very similar and because of this, most of the voters for Alternative #2 would likely support Alternative #3 over Alternative #1, making Alternative #3 the overall preferred option by the public.
- The most common comments in the survey were related to the following:
 - » Desire for safe and connected sidewalks and bicycle lanes
 - » Need for better street lighting
 - » Right-of-way private property impacts
 - » Landscaping/buffer/planter strips maintained
 - » Speeding

VIRTUAL OPEN HOUSE #2: FEEDBACK SURVEY RESULTS

CONCEPTUAL DESIGN ALTERNATIVE PREFERENCE – SURVEY RESULTS



ADVANCED TWO ALTERNATIVES

Based on the results of the Tier 1 Screening, feedback at the open houses, and direction from the City, Alternative #1: TSP and Alternative #3: Multi-Use Path and Buffered Bike Lanes were advanced to the Tier 2 Screening process, which included full-corridor concept layouts and planning-level cost estimates.

Alternative #3 scored the highest in the Tier 1 Screening of the design alternatives and Alternative #1 scored the lowest of the alternatives. However, Alternative #1 and Alternative #3 shared the highest percentage of votes (approximately 35 percent) based on the public feedback surveys. The City supported the advancement of Alternative #3 based on its high scoring in both the screening process and community feedback. Although Alternative #1 had low support based on the results of the Tier 1 Screening, the alternative received support by the public and was therefore advanced for final consideration.

MODIFICATIONS TO ALTERNATIVE #3: MULTI-USE PATH AND BUFFERED BIKE LANES

During the process of creating the full-corridor concept design layouts, the original cross section design for Alternative #3 was modified to better address the concerns voiced by the public during Virtual Open House #2. Many members of the public voiced their desire for the Wheatland Road project to minimize private property and right-of-way impacts and to provide safer, separated pedestrian and bicycle facilities for all users, including school-age children. Hearing this feedback, the Wheatland Road Technical Advisory Committee (TAC) did not feel as though the original cross section for Alternative #3 provided sufficient separation for users of the multi-use path from the vehicle travel lanes. In order to provide more separation, the multi-

use path was moved to the west side of the road where there was more available right-of-way and the width of the path was reduced from 12 feet to 10 feet. These two modifications increased separation and also reduced private property impacts.

During the cost estimating process, the TAC discussed ideas for improving cost savings for Alternative #3 to make the project more affordable. By reducing the travel lanes from 11 feet to 10 feet, a large cost savings was realized as the majority of the existing curb-to-curb width could be preserved along the corridor. Narrower travel lanes will encourage lower vehicle speeds, which was another major concern of the public. However, with the adjacent two-foot bicycle buffer, there is still adequate width for freight activity along the corridor.

Overall, these modifications as well as some adjustments to street utilities, resulted in a reduction of 36% in planning level cost estimates for Alternative #3.

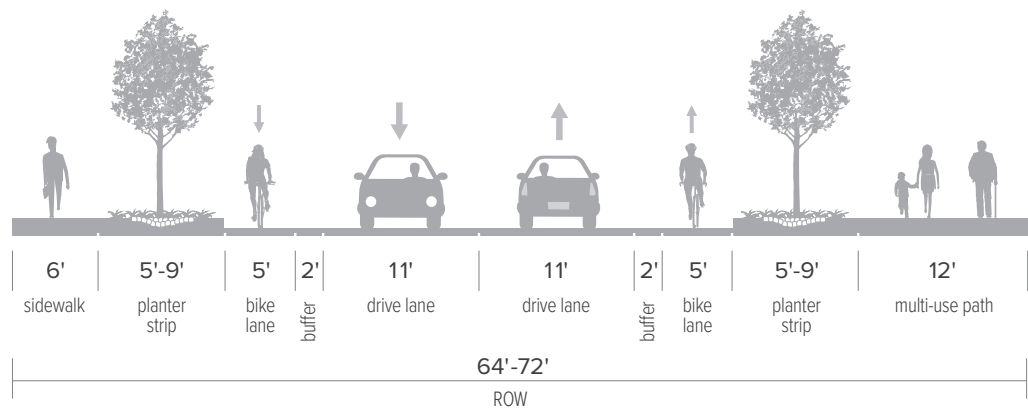
IMPROVEMENTS FOR EITHER ALTERNATIVE

Whether either alternative was selected, there are specific design improvements and details that are included for both alternatives. While they may be implemented in different ways due to cross section restraints, the following improvements were still applicable to both solutions:

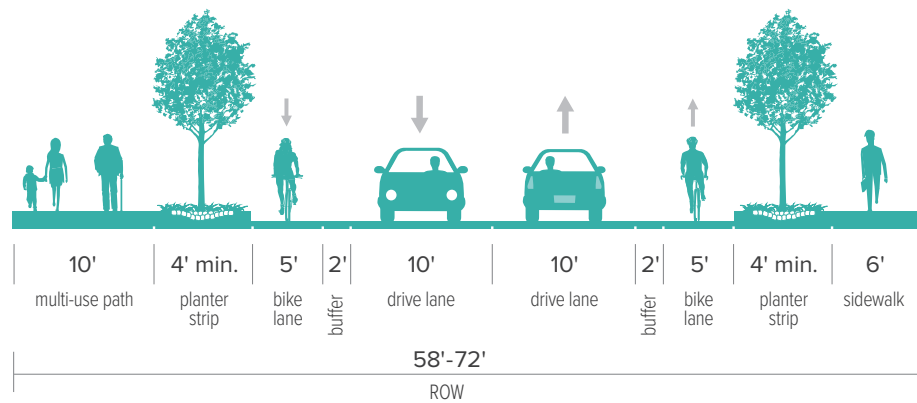
- **Enhanced Pedestrian Crossings:** Enhanced pedestrian crossing treatments including median refuge islands, enhanced signing and pavement markings, and Rectangular Rapid Flashing Beacons (RRFBs) are options to consider. The primary intersections in consideration are the intersections of Clearlake Road, Parkmeadow Drive, Russett Drive, and McNary Heights.
- **Transit Treatments:** Enhancements to the bus stops can include bus stop shelters, open-air

REVISED WHEATLAND ROAD CROSS SECTION FOR ALTERNATIVE #3

ALTERNATIVE #3
CROSS SECTION
THAT WAS
PRESENTED
DURING VIRTUAL
OPEN HOUSE #2



MODIFIED
ALTERNATIVE #3



benches, and bus stop loading space for transit riders that does not conflict with multi-use path users, called “Concrete Bridges.” These improvements will require collaboration with Cherriots during the design phase.

- **ADA Improvements:** All new sidewalks and curb ramps would be built along Wheatland Road and intersections would meet ADA standards. Today, nearly all curb ramps are out of compliance with current Americans with Disabilities Act (ADA) standards.
- **Practical Design Considerations:** Due to the nature of a pre-existing roadway, slight deviations to the chosen alternative cross section are expected in different sections of the corridor to match the existing infrastructure, reduce right-of-way impacts, and preserve mature trees as much as possible. This may include meandering sidewalks to save mature trees (e.g., existing oak

trees near Russett Drive) or the absence of a planter strip to mitigate right-of-way acquisition.

- **Street Lighting:** New street lighting will be installed at intersections and segments along the corridor. This may entail new streetlight poles and supplemental lighting on utility poles when applicable.
- **Streetscape Elements:** Where landscaping buffers are provided, pedestrians are further separated from the roadway to increase their comfort level. The alignment of sidewalks are intended to minimize impact to adjacent properties, existing landscaping, and existing mature trees, so the width of the landscaping buffer will change along the corridor. The landscaping can include low-lying vegetation and street trees. The street tree plantings would be consistent with City standards.

SUMMARY OF ADVANCED ALTERNATIVES COMPARISON

Five Tier 2 criteria were evaluated for the final comparison of the two advanced alternatives. These criteria reflected the City's needs and most prominent comments received from the public.

TIER 2 CRITERIA EVALUATED:

- Traffic Operations
- Pedestrian and Bicycle Qualitative Assessment
- Safety Impacts
- Right-Of-Way and Utility Impacts
- Planning-Level Cost Estimates

Each criterion was analyzed for each alternative.

- **Traffic Operations:** Vehicle delay, queuing, and travel times were analyzed for each alternative. The center-turn lane in Alternative #1 provides slightly improved vehicle operations over Alternative #3 with the addition of a continuous left-turn lane.
- **Pedestrian and Bicycle Qualitative Assessment:** Walkability and bikeability scores were assessed for each alternative. Alternative #1 received a "Good" score due to complete sidewalks and standard bicycle lanes. Alternative #3 received an "Excellent" score due to the multi-use path and buffered bike lanes that provides facilities for all ages and abilities.
- **Safety Impacts:** Potential safety impacts

including the mitigation of crash variables for current users as well as the enhancement of the system to encourage usage from people who do not currently feel safe using the system. The two-way left-turn lane for Alternative #1 has the ability to reduce rear-end crashes for vehicles. However, in Alternative #3, the buffered bike lanes have the ability to reduce bicycle crashes; also, the proposed bicycle and pedestrian facilities, as a whole, have a greater ability to attract new users who are currently hesitant to use the system due to safety risks. A left-turn lane at the Russett Drive intersection was identified as a key safety need and is included in the concept.

- **Right-of-Way and Utility Impacts:** Alternative #3 requires 90 percent less ROW acquisition (in square feet) than Alternative #1 due to a narrower cross section.
- **Planning-Level Cost Estimates:** Alternative #3 is approximately half the cost to construct compared to Alternative #1 due to its smaller footprint and the ability to maintain existing infrastructure.

PLANNING-LEVEL COST ESTIMATES

ALTERNATIVE #1: \$17.9 MILLION

ALTERNATIVE #3: \$9.9 MILLION

TIER 2 SCREENING RESULTS

A Tier 2 Screening of the final two design alternatives was performed using the five criteria mentioned previously. The criteria were scored over a range of -2 to +2 as compared to the No Build (Existing Configuration) alternative, similar to the Tier 1 Screening. The average of the Tier 1 and Tier 2 screening scores are shown below.

Alternative #1 scored an average of 1.13 and Alternative #3 scored an average of 1.58 after both Tier 1 and Tier 2 screening evaluations. Both alternatives are shown to be an overall improvement from existing conditions, however Alternative #3 received a higher score.

The difference in scores between Alternative #1 and Alternatives #3 can be attributed to two basic differences amongst the designs which were similarly seen in the Tier 1 screening process.

- First, Alternative #3 provides higher quality multimodal facilities and caters more to safety than mobility, while not sacrificing any vehicular operational measures.
- Second, Alternatives #3 has a pavement cross section width that is similar to the existing condition and will require less additional right-of-way, meaning that road reconstruction and property acquisition would be less invasive than Alternative #1 and has a significantly lower cost estimate.

TIER 1 AND 2 SCREENING SCORES

	ALTERNATIVE #1 TSP STREET DESIGN	ALTERNATIVE #3 BUFFERED BIKE LANES & MULTI-USE PATH
TIER 1 SCREENING	1.35	1.75
TIER 2 SCREENING	0.90	1.40
AVERAGE	1.13	1.58

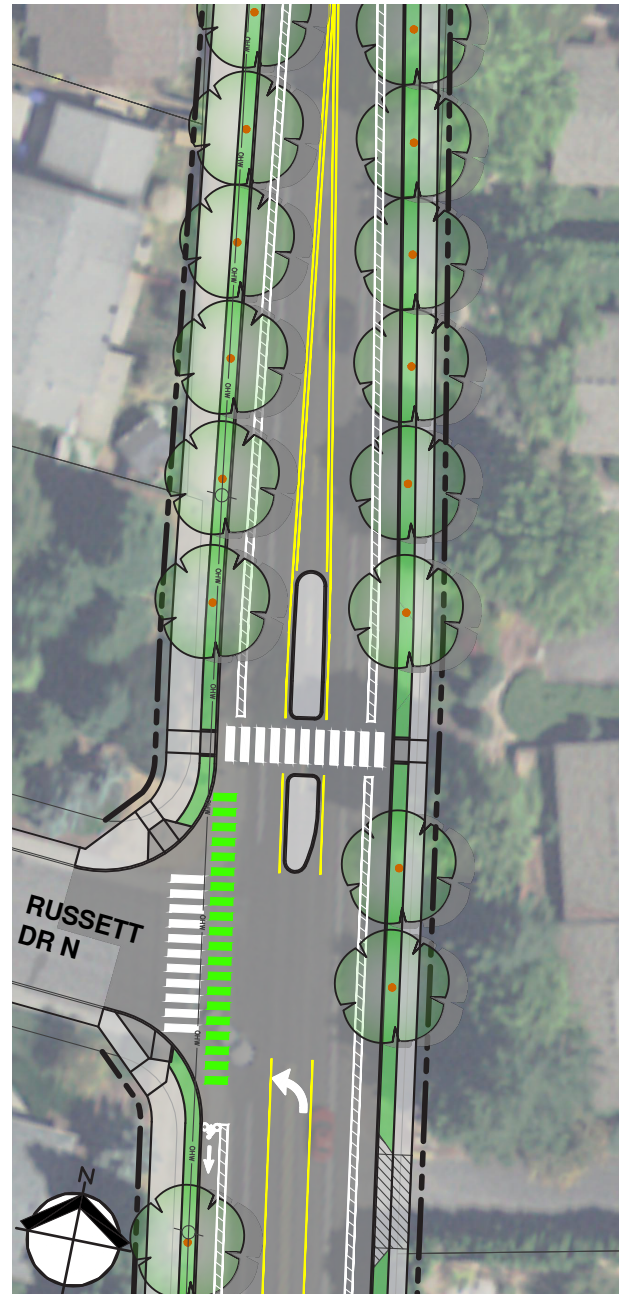
RECOMMENDED ALTERNATIVE

Based upon the results of the Tier 2 screening process, comments from the TAC, and the significant public input received, DKS recommends the following alternative for the Wheatland Road corridor:

ALTERNATIVE #3: MULTI-USE PATH AND BUFFERED BIKE LANES

Alternative #3 is best suited to meet the needs and desires of all users of the Wheatland Road corridor, specifically school-age users, while costing significantly less money and requiring less right-of-way and property impacts than the other alternatives. This solution was the preferred alternative from the general public and provides a safer system and multimodal travel options to improve what exists today. It both maintains the current level of traffic demand and is estimated to adequately accommodate future levels of traffic 20 years into the future. This alternative will also be more competitive to receive transportation funding because of the safety and multimodal design solutions provided.

The corridor plan presented is conceptual and changes to pedestrian improvements and landscaping details may occur during the design process.



CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: DESIGNATION OF BANKING SIGNERS

The City Council adopted Resolution R2021-3162 that designated checking account signers to sign checks. As a result of the hiring of a new City Manager, it is appropriate to repeal Resolution R2021-3162 and replace it with the attached Resolution that designates banking signers.

The proposed Resolution designates the Mayor, City Manager, and Finance Director as the only persons who can sign checks on the City's bank account. The Resolution allows the City Manager, Finance Director or Mayor to designate persons for signers of other matters such as initiating wire transfers and confirming wire transfers.

Staff believes that it is appropriate to implement the designation of the contract signers, check signers, and the authorization to the Mayor, City Manager and Finance Director for other financial signers.

RECOMMENDATION:

Adopt the attached Resolution Designating Contract Signers for Banking Services and Authorizing City Manager, Finance Director and Mayor to Designate Signers for Other Banking Functions.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

DESIGNATING CONTRACT SIGNERS FOR BANKING SERVICES AND AUTHORIZING CITY MANAGER, FINANCE DIRECTOR AND MAYOR TO DESIGNATE SIGNERS FOR OTHER BANKING FUNCTIONS; REPEALING RESOLUTION R2021-3162

WHEREAS, the City Council designated checking account signers to sign checks

by Resolution R2021-3162;

WHEREAS, the Council has determined that there is a need to designate persons for banking functions in addition to check signing;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the following persons are authorized to be contract signers for banking services:

- a. Mayor Cathy Clark;
- b. City Manager Adam J. Brown;
- c. Finance Director Timothy E. Wood.

BE IT FURTHER RESOLVED that the following persons are authorized to sign checks on the City's bank accounts:

- a. Mayor Cathy Clark;
- b. City Manager Adam J. Brown;
- c. Finance Director Timothy E. Wood.

1 BE IT FURTHER RESOLVED that all other authorized employees for banking
 2 functions (initiating wire transfers, confirming wire transfers, treasury management
 3 services, etc.) other than opening, adding, modifying, or closing accounts and signing
 4 checks shall be designated by City Manager Adam J. Brown, Finance Director Timothy
 5 E. Wood or Mayor Cathy Clark.

6 BE IT FURTHER RESOLVED that Resolution R2021-3162 (Designating
 7 Checking Account Signers) is hereby repealed in its entirety.

8 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
 9 upon the date of its passage.

10 PASSED this _____ day of _____, 2022.

11
 12 SIGNED this _____ day of _____, 2022.

13

14

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19

 Mayor

 City Recorder

CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: ADAM J. BROWN
CITY MANAGER**

**FROM: JOHN TEAGUE
CHIEF OF POLICE**

SUBJECT: REPORT ON DISBURSEMENT OF PETTY CASH FUNDS FY 22

BACKGROUND:

In Fiscal Year 2007 the City Council established petty cash funds for the Keizer Police Department Community Services Unit and the Community Response Unit. By council resolution, the department was instructed to report the expenditures from each of these funds each fiscal year.

Community Assistance Fund. In Fiscal Year 2011-12, through policy revision, the department changed the description of this to Community Assistance Fund to avoid confusion with a specific unit within the department. Also, for greater accountability and tracking, the policy was updated and funds were assigned specifically to individual sergeants instead of being shared between the patrol sergeant vehicles.

Community Response Unit. This unit is currently staffed with a sergeant and one officer (another assigned officer is on a temporary rotation through August).

REPORT:

Since the last report, \$303.93 has been disbursed for the following community assistance purposes:

- 4/22/21, \$20, gas for EDP de-escalation
- 5/15/21, \$213.93, hotel stay for potential DV victim, KZP 20-1359
- 7/26/21, \$30, taxi for transient
- 8/15/21, \$20, bus ticket for distraught female
- 9/7/21, \$20, gas for agitated driver

If you have any questions please contact Administrative Assistant Wanda Blaylock, 503-856-3468 or blaylockw@keizer.org.

CITY COUNCIL MEETING: May 2, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: ADAM J. BROWN, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: 401 PLAN DOCUMENT ADOPTION

To ensure that the City's 401 Retirement Savings Plan is up to date with legislative and regulatory changes, the IRS requires that the City execute a new adoption agreement every six years. The City restated this plan in 2016 and it has been requested to sign a new adoption agreement to meet the IRS deadline.

The Plan attached to the Resolution includes no substantive changes. The adoption of this document is a formality to comply with the IRS's direction.

RECOMMENDATION:

Adopt the attached Resolution.

Please contact me if you have any questions. Thank you.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

RESTATING THE CITY OF KEIZER GOVERNMENTAL MONEY
PURCHASE PLAN AND TRUST ADOPTION AGREEMENT
UNDER SECTION 401A OF THE INTERNAL REVENUE CODE

WHEREAS, the City has employees rendering valuable services;

WHEREAS, the City has established a qualified retirement plan for such employees that serves the interest of the City by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel;

WHEREAS, the City Council of the City of Keizer adopted a Money Purchase Plan and Trust under Section 401A of the Internal Revenue Code by Resolution R91-546;

WHEREAS, the City Council of the City of Keizer amended Resolution R91-546 by Resolution R92-548;

WHEREAS, the City amended and restated the Plan by execution of an Adoption Agreement effective July 1, 2009;

WHEREAS, the City amended and restated the Plan by execution of an Adoption Agreement effective November 1, 2009;

WHEREAS, the City restated the Plan by Resolution R2016-2661;

1 WHEREAS, ICMA Retirement Corporation has changed its name to Mission
2 Square Retirement;

3 WHEREAS, to keep up to date with legislative and regulatory changes, the IRS
4 requires that the City execute a new adoption agreement every six years;

5 WHEREAS, Mission Square Retirement has requested that the City adopt the
6 attached Plan;

7 WHEREAS, the City Council of the City of Keizer has determined that the
8 continuance of the qualified retirement plan will serve the objectives described herein;

9 WHEREAS, the City Council of the City of Keizer deems it to be in the best
10 interest of its employees and officers to restate its Governmental Money Purchase Plan
11 Adoption Agreement under Section 401A of the Internal Revenue Code;

12 NOW, THEREFORE,

13 BE IT RESOLVED by the City Council of the City of Keizer that the City
14 Council hereby amends the Governmental Money Purchase Plan Adoption Agreement
15 attached hereto;

16 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
17 City Council hereby restates its Governmental Money Purchase Plan Adoption
18 Agreement under Section 401A of the Internal Revenue Code.

19 BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust,
20 with the City serving as trustee ("Trustee"), for the exclusive benefit of Plan participants
21 and their beneficiaries, and the assets shall not be diverted to any other purpose. The

1 Trustee's beneficial ownership of Plan assets shall be held for the further exclusive
 2 benefit of the Plan participants and their beneficiaries;

3 BE IT FURTHER RESOLVED that the City hereby agrees to serve as Trustee
 4 under the Plan.

5 BE IT FURTHER RESOLVED that the Human Resource Director of the City of
 6 Keizer shall have the authority to sign the attached Governmental Money Purchase Plan
 7 Adoption Agreement attached hereto, and other documents and agreements as may be
 8 necessary to implement and restate the Plan.

9 BE IT FURTHER RESOLVED that the City Recorder is directed to enter a copy
 10 of the attached Governmental Money Purchase Plan Adoption Agreement into the
 11 records of the City of Keizer and into the minutes of this meeting.

12 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
 13 upon the date of its passage.

14 PASSED this _____ day of _____, 2022.

15
 16 SIGNED this _____ day of _____, 2022.

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22

 Mayor

 City Recorder

ICMA Retirement Corporation
doing business as

MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement

MissionSquare
RETIREMENT



MissionSquare Retirement Governmental Money Purchase Plan Adoption Agreement

Plan Number: 109141

The Employer hereby establishes a Money Purchase Plan to be known as CITY OF KEIZER
_____ (the "Plan") in the form of the MissionSquare Retirement Governmental Money Purchase Plan.

New Plan or Amendment and Restatement (Check One):

☒ Amendment and Restatement

This Plan is an amendment and restatement of an existing defined contribution Money Purchase Plan. Please specify the name of the defined contribution Money Purchase Plan which this Plan hereby amends and restates:

CITY OF KEIZER

Effective Date of Restatement. The effective date of the Plan shall be:

(Note: The effective date can be no earlier than the first day of the Plan Year in which this restatement is adopted. If no date is provided, by default, the effective date will be the first day of the Plan Year in which the restatement is adopted.)

☐ New Plan

Effective Date of New Plan. The effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than the first day of the Plan Year in which the Plan is adopted.)

I. EMPLOYER: CITY OF KEIZER

(The Employer must be a governmental entity under Internal Revenue Code § 414(d))

II. SPECIAL EFFECTIVE DATES

Please note here any elections in the Adoption Agreement with an effective date that is different from that noted above.

(Note provision and effective date.)

III. PLAN YEAR

The Plan Year will be:

☒ January 1 – December 31 (**Default**)

☐ The 12 month period ending _____
Month Day

IV. Normal Retirement Age shall be age 55³⁰² (not less than 55 nor in excess of 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

In 2016, the Internal Revenue Service proposed regulations that would provide rules for determining whether a governmental pension plan's normal retirement age satisfies the Internal Revenue Code's qualification requirements. A normal retirement age that is age 62 or later is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. Whether an age below 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, says that a normal retirement age that is age 50 or later is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed if the participants to which this normal retirement age applies are qualified public safety employees (within the meaning of section 72(t)(10)(B)). These regulations are proposed to be effective for employees hired during plan years beginning on or after the later of: (1) January 1, 2017; or (2) the close of the first regular legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is 3 months after the final regulations are published in the Federal Register. In the meantime, however, governmental plan sponsors may rely on these proposed regulations.

In lieu of age-based Normal Retirement Age, the Plan shall use the following age and service-based Normal Retirement Age _____

Important Note to Employers: Before using a Normal Retirement Age based on age and service, a plan sponsor should review the proposed regulations (81 Fed. Reg. 4599 (Jan. 27, 2016)) and consult counsel.

V. COVERED EMPLOYMENT CLASSIFICATIONS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☐ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees
- ☐ Public Safety Employees
- ☐ General Employees
- ☒ Other Employees (Specify the group(s) of eligible Employees below. Do not specify Employees by name.
Specific positions are acceptable.) See Attached Addendum

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment.

Note: As stated in Sections 4.08 and 4.09, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. Period of Service required for participation

☐ N/A – The Employer hereby waives the requirement of a Period of Service for participation. Employees are eligible to participate upon employment. (*“N/A” is the default provision under the Plan if no selection is made.*)

☒ Yes. The required Period of Service shall be 6 Months months (not to exceed 12 months).

The Period of Service selected by the Employer shall apply to all Employees within the Covered Employment Classification.

3. Minimum Age (Select One) – A minimum age requirement is hereby specified for eligibility to participate.

☐ Yes. Age _____ (*not to exceed age 21*).

☒ N/A – No minimum age applies (*“N/A” is the default provision under the Plan if no selection is made.*)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Mandatory Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

☒ A. Fixed Employer Contributions. The Employer shall contribute on behalf of each Participant see Add % of Earnings or \$_____ for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions

☐ are required ☒ are not required

to be eligible for this Employer Contribution.

☐ B. Mandatory Participant Contributions for Plan Participation

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. To the extent that Mandatory Participant Contributions are not required by the Plan, each Employee eligible to participate in the Plan shall be given the opportunity, when first eligible to participate in the Plan or any other plan or arrangement of the Employer described in Code section 219(g)(5)(A) to irrevocably elect to contribute Mandatory Participant Contributions by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule. (Any percentage or dollar amount entered below must be greater than 0% or \$0.)

i. _____ % of Earnings,

ii. \$ _____, or

iii. a whole percentage of Earnings between the range of _____ (*insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)*), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up." The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pickup is required if Option A is not selected)

☐ Yes ☐ No (**"Yes" is the default provision under the Plan if no selection is made.**)

☐ C. Election Window (Complete if Option B is selected):

Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar-days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to make Employer Matching Contributions as follows:

☐ **Fixed Employer Match of After-Tax Voluntary Participant Contributions.** (Do not complete this section unless the Plan permits after-tax Voluntary Participant Contributions under Section VI.3 of the Adoption Agreement.)

The Employer shall contribute on behalf of each Participant _____ % of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____ % of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer Contributions, but a Participant may decline to make the Voluntary Participant Contributions in any Plan Year, in which case no Employer Contribution will be made on the Participant's behalf in that Plan Year.

¹Neither an IRS opinion letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting Employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

[] Variable Employer Match of After-Tax Voluntary Participant Contributions. (Do not complete unless the Plan permits after-tax Voluntary Participant Contributions under Section VI.3 of the Adoption Agreement.)

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Voluntary Participant Contributions exceeding _____ % of Earnings or \$ _____);

PLUS _____ % of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____ % of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____ % of Earnings, whichever is [] more or [] less.

[] Fixed Employer Match of Participant 457(b) Plan Deferrals. The Employer shall contribute on behalf of each Participant _____ % of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has deferred _____ % of Earnings or \$ _____ to the Employer's 457(b) deferred compensation plan. Under this option, there is a single, fixed rate of Employer Contributions, but a Participant may decline to make the required 457(b) deferrals in any Plan Year, in which case no Employer Contribution will be made on the Participant's behalf in that Plan Year.

[] Variable Employer Match of Participant 457(b) Plan Deferrals.

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____ % of the elective deferrals made by the Participant to the Employer's 457(b) plan for the Plan Year (not including Participant contributions exceeding _____ % of Earnings or \$ _____);

PLUS _____ % of the elective deferrals made by the Participant to the Employer's 457(b) plan for the Plan Year in excess of those included in the above paragraph (but not including elective deferrals made by a Participant to the Employer's 457(b) plan exceeding in the aggregate _____ % of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____ % of Earnings, whichever is [] more or [] less.

3. Each Participant may make a Voluntary Participant Contribution, subject to the limitations of Section 4.06 and Article V of the Plan

[] Yes [X] No (*"No" is the default provision under the Plan if no selection is made.*)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation Year ends, or in accordance with applicable law):

[] Weekly [X] Biweekly [] Monthly [] Annually in _____ (*specify month*)

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation Year ends, or in accordance with applicable law):

☐ Weekly ☐ Biweekly ☐ Monthly ☐ Annually in _____ (*specify month*)

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

A. Plan contributions will be made based on differential wage payments:

☒ Yes ☐ No (*"Yes" is the default provision under the Plan if no selection is made.*)

B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☒ Yes ☐ No (*"No" is the default provision under the Plan if no selection is made.*)

VII. Earnings

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime

☒ Yes ☐ No (*"No" is the default provision under the Plan if no selection is made.*)

2. Bonuses

☒ Yes ☐ No (*"No" is the default provision under the Plan if no selection is made.*)

3. Other Pay (specifically describe any other types of pay to be included below)

VIII. ROLLOVER PROVISIONS

1. The Employer will permit Rollover Contributions in accordance with Section 4.13 of the Plan:

☒ Yes ☐ No (*"Yes" is the default provision under the Plan if no selection is made.*)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply, unless another method has been indicated below.

[] Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any Excess Amounts, in a manner that precludes Employer discretion.) _____

2. The Limitation Year is the following 12 consecutive month period: January 1 through December 31

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the Code's vesting requirements in effect on September 1, 1974 and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percentage - from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

The following vesting schedule may apply to a Participant's interest in his/her Employer Contribution Account. The vesting schedule does not apply to Elective Deferrals, Catch-up Contributions, Mandatory Participant Contributions, Rollover Contributions, Voluntary Participant Contributions, Deductible Employee Contributions, Employee Designated Final Pay Contributions, and Employee Designated Accrued Leave Contributions, and the earnings thereon.

Period of Service Completed	Percent Vested
Zero	100%
One	%
Two	%
Three	%
Four	%
Five	%
Six	%
Seven	%
Eight	%
Nine	%
Ten	%

XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a Participant attains (select one of the below options):
 - ☐ Normal Retirement Age
 - ☒ 70 ½ (*"70 ½" is the default provision under the Plan if no selection is made.*)
 - ☐ Alternate age (after Normal Retirement Age): _____
 - ☐ Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.
 - ☐ Yes ☒ No (*"Yes" is the default provision under the Plan if no selection is made.*)

3. Tax-free distributions of up to \$3,000 for the direct payment of Qualified Health Insurance Premiums for Eligible Retired Public Safety Officers are available under the Plan.
 - ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

4. In-service distributions of the Rollover Account are permitted under the Plan as provided in Section 9.07
 - ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:
 - ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- ☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- ☒ 2. Beneficiary Spousal Consent Election (Article XII of the Plan will apply if option 2 is selected). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (*"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.*)
- ☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If option 3 is selected, the spousal consent requirements in Article XII of the Plan also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

(Under the Plan's definitions, Earnings automatically include leave cashouts paid by the later of 2 ½ months after severance from employment or the end of the calendar year. If the Plan will provide additional contributions based on the Participant's final paycheck attributable to Accrued Leave, please provide instructions in this section. Otherwise, leave this section blank.)

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected. The following group of Employees shall be eligible for Final Pay Contributions:

☐ 1. Employees within the Covered Employment Classification identified in section V of the Adoption Agreement.

☐ 2. Other: _____

(This must be a subset of the Covered Employment Classification identified in section V of the Adoption Agreement.)

Final Pay shall be defined as (select one):

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☐ D. Other *(insert definition of Final Pay - must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave):*

☐ **1. Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____% of their Final Pay to the Plan (subject to the limitations of Article V of the Plan).

☐ **2. Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of Final Pay to be contributed) or up to _____% (insert maximum percentage of Final Pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for unpaid Accrued Leave Contributions annually if either 1 or 2 is selected below. The following group of Employees shall be eligible for Accrued Leave Contributions:

☐ 1. Employees within the Covered Employment Classification identified in section V of the Adoption Agreement.

☐ 2. Other: _____

(This must be a subset of the Covered Employment Classification identified in section V of the Adoption Agreement.)

Accrued Leave shall be defined as (select one):

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☐ D. Other (insert definition of Accrued Leave that is bona fide vacation and/or sick leave):

[] 1. Employer Accrued Leave Contribution. The Employer shall contribute as follows

(choose one of the following options):

[] For each Plan Year, the Employer shall contribute on behalf of each eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).

[] For each Plan Year, the Employer shall contribute on behalf of each eligible Participant _____% of un- used Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

[] 2. Employee Designated Accrued Leave Contribution

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to annually contribute _____% (insert fixed percentage of unpaid Accrued Leave to be contributed) or up to _____% (insert maximum percentage of unpaid Accrued Leave to be contributed) of unpaid Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the MissionSquare Retirement Money Purchase Plan. This MissionSquare Retirement Governmental Money Purchase Plan is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on December 31, 2018 and received approval on June 30, 2020.

The Plan Administrator will inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer

notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation, doing business as MissionSquare Retirement, as the Plan Administrator pursuant to the terms and conditions of the MISSIONSQUARE RETIREMENT GOVERNMENTAL MONEY PURCHASE PLAN.

The Employer hereby agrees to the provisions of the Plan.

- XVIII.** The Employer understands that it must complete a new Adoption Agreement upon first adoption of the Plan. Additionally, upon any modifications to a prior election, making of new elections, or restatements of the Plan, a new Adoption Agreement must be completed. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.
- XIX.** An adopting Employer may rely on an Opinion Letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code only to the extent provided in Rev. Proc. 2017-41. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter issued with respect to the Plan and in Rev. Proc. 2017-41.

In Witness Whereof, the Employer hereby causes this Money Purchase Plan Adoption Agreement to be executed.

EMPLOYER SIGNATURE & DATE

Signature of Authorized Plan Representative: _____

Print Name: _____

Title: _____

Attest: _____

Date: ____/____/____.

For inquiries regarding adoption of the plan, the meaning of plan provisions, or the effect of the Opinion Letter, contact:

MissionSquare Retirement
777 N. Capitol St. NE Suite 600
Washington, DC 20002
800-326-7272

52582-0621-W1304

**CITY OF KEIZER – MISSIONSQUARE RETIREMENT
GOVERNMENTAL MONEY PURCHASE PLAN
ADOPTION AGREEMENT ADDENDUM**

May 2, 2022

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:
 √ Other Employees as specified below:

ALL CURRENT PERMANENT EMPLOYEES NOT ENROLLED IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM ARE ELIGIBLE TO CONTINUE PARTICIPATION IN THE PLAN. NO EMPLOYEE LAST HIRED BY THE EMPLOYER AFTER DECEMBER 31, 2008, IS ELIGIBLE TO PARTICIPATE IN THE PLAN.

VI. CONTRIBUTION PROVISIONS

1. A. Employer Contributions. The Employer shall contribute on behalf of each Participant 12% for Supervisors, 11% for non-Supervisors of Earnings for the Plan Year (subject to the limitations of Article V of the Plan).



**MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, April 11, 2022
Keizer, Oregon**

**CALL TO
ORDER**

Mayor Clark called the work session to order at 6:00 p.m. Attendance was taken as follows:

Present:

Cathy Clark, Mayor
Dan Kohler, Councilor
Kyle Juran, Councilor
Roland Herrera, Councilor
Shaney Starr
Laura Reid, Councilor
Elizabeth Smith, Councilor

Staff Present:

Wes Hare, Interim City Manager
Tim Wood, Finance Director
Bill Lawyer, Public Works Director
Debbie Lockhart, Deputy City
Recorder

DISCUSSION

**a. American
Rescue Plan
(ARPA)
Grant
Request for
Turf Sports
Fields**

Public Works Director Bill Lawyer summarized his staff report. Mayor Clark added that this is a starting point for all that needs to be considered, that she had spoken to an engineering firm who confirmed that the proposed amounts are adequate for the project and that the big variable is how much parking would be needed.

Marion County Commissioners *Colm Willis* and *Danielle Bethell* provided background on the need for turf fields so that children could have a place to play for an extended period and not be limited to dry months. They explained that the County met with the West Keizer Neighborhood Association to discuss their concerns and various jurisdictions and felt that Keizer Rapids Park would be the best location. They reviewed the timeline and noted that their finance team is willing to work with Keizer to make sure reporting requirements are met. Discussion followed regarding economic impact, possible other locations, field management, vandalism, scheduling and traffic.

Eric Branch, Keizer, Mid Valley Soccer Club, voiced support for this project noting that there is an unmet need for more fields. He referred to a handout with year-round soccer costs and provided clarification.

Robert Sullivan, Salem-Keizer School District and *Scott Gragg*, McNary Athletic Director, voiced support for this project. Mr. Gragg shared McNary turf field details including its heavy use, maintenance needs and rental details, and noted that the need for additional turf fields is great.

Rebecca Fineran, Capital Pioneers Women's Football, voiced support for

additional turf fields noting that there is a shortage of turf fields in the area.

Steve Polenski, praised the Capital Pioneers noting that the women are passionate about the games and rally around each other in times of need.

Jim Taylor, Keizer, voiced support for the proposal suggesting that Keizer Rapids Park has the room and amenities needed. He also suggested that in addition to the turf fields Council consider building an indoor recreation facility that could be used as an emergency shelter and as a place for children to play when it is raining.

Kim Steen, Keizer, stated that she was originally concerned about putting the fields in Keizer Rapids Park especially lighting them and having the park stay open past dusk, but tonight's testimony relieved some of her fears. She requested, however, that hours be limited.

Lore Christopher, Keizer, voiced support for the project noting that turf fields will make the difference of 5 months of use vs. 12 months. She suggested that the project be kept in-house and a task force formed to figure out fees and scheduling, and that SDCs be used. She also voiced support for building the indoor recreation facility.

Richard Walsh, Keizer, voiced support for the project noting that this 2 million dollars is like 10 gazillion dollars in Keizer money and it should be used for something long-term that is available to everyone. He also voiced support for the indoor recreation facility.

ADJOURN

Mayor Clark adjourned the work session at 8:00 p.m.

APPROVED:

MAYOR:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Shaney Starr

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL
Monday, April 18, 2022
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll call was taken as follows:

Present:

Cathy Clark, Mayor
Elizabeth Smith, Councilor
Daniel Kohler, Councilor
Roland Herrera, Councilor
Kyle Juran, Councilor
Shaney Starr, Councilor
Laura Reid, Councilor

Staff:

Tim Wood, Finance Director
Bill Lawyer, Public Works Director
Shane Witham, Planning Director
John Teague, Police Chief
Tracy Davis, City Recorder

Absent:

Miranda Coleman, Youth Councilor

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

**a. PRESENTATION
– Liberty House**

Bruce Anderson and *Kyle Tarr* from Liberty House explained what is being done to help prevent child abuse and the mission and purpose of Liberty House. A slide show was presented which included information about hope and wellness services, prevention and protection trainings, promotion of respect and protection, and volunteer opportunities.

**COMMITTEE
REPORTS**

**a. Community
Diversity
Engagement
Committee
Appointment**
**b. Formation of
Keizer Library
Work Group**

- a. Councilor Herrera appointed Carri Brown to serve on the Community Diversity Engagement Committee noting that Ms. Brown had attended the previous meeting and was excited to be part of this.
- b. Mayor Clark read the staff report and appointed Councilors Kohler, Reid and Starr to the Council work group to work through the details of the conversion of Keizer Community Library to Keizer Public Library through collaboration with Keizer Community Library, CCRLS and Oregon State Library and to bring back a recommendation to Council.

Clay Rushton, Keizer, reported that the Parks Advisory Board approved two new bands for the KRA Summer Concert Series, received updates from staff and was advised of the Soggy Day at the Park event.

Sara Hutches, Keizer, reported that the Planning Commission held a public hearing regarding HB 2001 and SB 458 and voted to recommend the proposed code changes to Council and to cancel the May meeting.

PUBLIC COMMENT Mayor Clark announced receipt of written comment from *Linda Warner* regarding First Amendment.

Faith Anderson, McNary student, shared information regarding the needs of students and how the 'Celtic Closet' (aka Keizer Community Closet) meets those needs, and shared details about partnerships, donations and current needs. She requested funding from the City towards this effort.

Tammy Kunz, Keizer, asked what she needed to do to get her neighborhood association recognized and receive funding. Finance Director Tim Wood asked her to call him so that he could walk her through the process.

Rhonda Rich, Keizer, announced that she is now the president of the West Keizer Neighborhood Association (WKNA) and announced other members of the Board. She then shared background information related to WKNA involvement in the proposed turf fields at Keizer Rapids Park and read a Resolution passed by the Board which indicated that WKNA is in favor of the plan with certain conditions. Mayor Clark explained that a work group or task force is planned and it will include a representative from WKNA and other interested groups.

Katie Lawyer, Keizer, shared information about the 'Girls on the Run' program.

PUBLIC HEARING *Mayor Clark opened the Public Hearing.*

a. Town and Country BBQ Liquor License Application

Finance Director Tim Wood summarized his staff report.

With no further testimony, Mayor Clark closed the Public Hearing.

Councilor Smith moved that the Keizer City Council not submit a formal recommendation to the Oregon Liquor Control Commission. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. RESOLUTION - Exemption of Shade Sails Column Post Extensions and Replacement of Sails for the Big Toy at Keizer Rapids Park

Mayor Clark opened the Public Hearing.

Finance Director Tim Wood summarized his staff report. Public Works Director Bill Lawyer explained that because kids are climbing on the sails, some will need to be replaced. The posts are being be extended to discourage this activity. The Big Toy will have to be closed for the 4-6 weeks it takes to complete the work.

With no further testimony, Mayor Clark closed the Public Hearing.

Councilor Smith moved that the Keizer City Council adopt a Resolution

**Contract From
Competitive
Bidding and
Awarding
Contract to
North Sails
Oregon LLC**

Exemption of Shade Sails Column Post Extensions and Replacement of Sails for the Big Toy at Keizer Rapids Park Contract From Competitive Bidding and Awarding Contract to North Sails Oregon LLC. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ADMINISTRATIVE
ACTION**

**a. Greater Gubser
Neighborhood
Association
Annual Report**

Patti Tischer, President of Greater Gubser Neighborhood Association, shared information about GGNA events, accomplishments and plans and fielded questions regarding the Miracle of Christmas holiday lights event.

Councilor Smith moved that the Keizer City Council accept the report from the Greater Gubser Neighborhood Association and extend recognition to for another year. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Keizer Rotary
Amphitheatre
Fee Waiver
Request – Girls
on the Run**

Public Works Director Bill Lawyer summarized his staff report.

Councilor Smith moved that the Keizer City Council waive all fees for this event. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

a. RESOLUTION – Authorizing the Mayor to Sign the First Amendment to Municipal Judge Services Contract

b. RESOLUTION – Authorizing City Manager to Sign Amendment #1 to Intergovernmental Agreement with the State of Oregon for Vending Services

c. Approval of April 4, 2022 Regular Session Minutes

d. Approval of April 6, 2022 Work Session Minutes

Councilor Smith moved for approval of the Consent Calendar. Councilor Reid seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**OTHER BUSINESS/
STAFF UPDATES**

Councilor Reid moved to suspend the rules to consider a minute motion for the request of \$2400 to support the Keizer Closet program for the 21-

22 school year as requested by the Keizer Community Foundation. Councilor Kohler seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Reid moved that the Keizer City Council approve the request for \$2400 from ARPA funds to support Keizer Community Closet for the rest of the 21-22 school year. Councilor Smith seconded.

Discussion followed regarding ARPA guidelines, 2022-23 Budget requests, and schools supported by this appropriation.

Motion passed unanimously as follows:

AYES: Clark, Reid, Herrera, Smith, Kohler, Starr and Juran (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mr. Wood wished Interim City Manager Wes Hare the best as he goes back into retirement. Mayor Clark echoed these sentiments.

COUNCIL MEMBER REPORTS

Councilor Herrera reported on the Keizer United meeting and announced upcoming meetings and events.

Councilor Reid thanked Carol Doerfler for her service on the West Keizer Neighborhood Association and Rhonda Rich for stepping up. She reported on meetings and events she had attended and announced upcoming ones.

Councilor Kohler reported on meetings and events he had attended and announced upcoming ones.

Councilor Smith announced that she would be out on May 2nd, reported on the Commissioner Breakfast, urged everyone to watch Marion County Commissioner meetings, and announced the upcoming Traffic Safety/ Bikeways/Pedestrian Committee meeting.

Councilor Starr announced that the May Parks Board meeting has been cancelled, noted that the Board is seeking more information about Keizerfest at Keizer Rapids Park, and reported on meetings and events she had attended.

Councilor Juran reported on meetings and events he had attended.

Mayor Clark congratulated Chief Teague for receiving the Oregon Association of Chiefs of Police Paul Nagy Award for Meritorious Service, wished Kristian Bouvier the best on her departure and commended the partnership between Keizer Police and Code Enforcement. She also announced that she had invited Distinguished Young Women scholarship

award recipients for 2022 and 2023 to a Council meeting to be recognized and then reported on meetings and events she had attended and announced upcoming ones.

AGENDA INPUT

May 2, 2022, 7:00 p.m. - City Council Regular Session
 May 9, 2022, 6:00 p.m. – Keizer Budget Committee Meeting
 May 10, 2022, 6:00 p.m. – Keizer Budget Committee Meeting
 May 16, 2022, 7:00 p.m. – City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:49 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Shaney Starr

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____