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KEIZER PLANNING COMMISSION **AGENDA**

Wednesday, September 20, 2023, 6:00 PM
Keizer Civic Center

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**
3. **WELCOME TO YOUTH COMMITTEE LIAISON**
4. **APPEARANCE OF INTERESTED CITIZENS**
This time is made available for those who wish to speak about an issue that is not on the agenda.
5. **CITY ATTORNEY: TRAINING**
6. **PUBLIC HEARING: DRAFT AMENDMENTS TO KEIZER DEVELOPMENT CODE (KDC) RELATING TO LAND USE APPLICATION PROCESS FOR CONDITIONAL USE PERMITS AND VARIANCES.**
 - a. **Draft Text Amendments: Keizer Development Code**
7. **NEW-OLD BUSINESS/STAFF REPORT**
8. **COUNCIL LIAISON REPORT**
9. **COUNCIL REPRESENTATIVE: RON BERSIN, MONDAY, OCTOBER 2ND**
10. **NEXT MEETING: OCTOBER 11, 2023**
11. **ADJOURNMENT**

“Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury.”



PLANNING COMMISSION: SEPTEMBER 20, 2023

To: Planning Commission

FROM: Shane Witham, Planning Director

SUBJECT: **TEXT AMENDMENT CASE 2023-10 – PROPOSED AMENDMENTS TO THE KEIZER DEVELOPMENT CODE RELATING TO ADMINISTRATIVE PROCEDURES FOR PLANNING COMMISSION APPROVAL FOR VARIANCES AND CONDITIONAL USE PERMITS**

PROPOSED MOTION:

I move the Planning Commission recommend approval of the proposed text amendments to the Keizer Development Code to City Council.

I. SUMMARY:

This matter is before the Planning Commission for consideration. The proposed amendments to the Keizer Development Code will result in the Planning Commission rendering decisions on most Variance and Conditional Use Permit requests.

II. BACKGROUND:

- A. The Planning Commission directed staff to look at the City's current land use processes and identify areas where the Planning Commission can be more involved in the land use decision-making process. Staff performed research, compiling information (attached for your reference) showing the current role of the Planning Commission in Keizer as well as Planning Commission roles in some other communities. This information is simply for reference. As you can see from the information provided, communities have a range of different processes and there is no "standard" as to how a Planning Commission is to function.
- B. Staff is recommending that the Planning Commission expand its current role to include making decisions on Conditional Use Permits and Variances. Staff is not recommending additional land use processes to come before the Planning Commission at this time. However, if the Planning Commission wishes to expand its role further, staff requests that Planning Commission provide direction to staff on which additional specific land use processes they would like to be more involved with.

- C. The proposed text changes modify current language in multiple sections of the Keizer Development Code (KDC) resulting in the Planning Commission making decisions for most Conditional Use Permits and Variances. Several minor changes were needed to provide consistency within the KDC to align the changes. The following KDC sections are proposed to be changed and are attached in redlined versions:
- a. Section 2.309 (Site and Landscaping)
 - b. Section 3.101 (Summary of Application Types)
 - c. Section 3.103 (Conditional Use Permits)
 - d. Section 3.105 (Variances - Minor and Major)
 - e. Section 3.113 (Keizer Station Master Plan)
 - f. Section 3.201 (General Provisions)
 - g. Section 3.202 (General Procedures - Types I, II, and III Actions)

III. **CURRENT SITUATION:**

- A. The Planning Commission currently is the decision-making body for the following application types: Alternative Design Reviews for ADU's (located in a front yard); Development Standards Alternatives; Nursing and Residential Care Facilities; and Permits for demolition, modification, or moving of a Historic Resource. The Planning Commission also hears appeals of certain staff decisions, and provides recommendations to City Council on several other land use applications. The attached chart provided by staff provides information on which land use processes the Planning Commission is involved with. In addition, Keizer Development Code Section 3.101 (Summary of Application Types) identifies the City's current land use processes and is proposed to be modified to expand the function of the Planning Commission to include decision making responsibilities for Variance and Conditional Use Permit requests.

IV. **ANALYSIS:**

- A. **Strategic Impact** – No strategic impact
- B. **Financial** – No financial impact.
- C. **Timing** – Public hearing notice has been published and appropriate notifications have been sent to the Department of Land Conservation and Development. There is no timeline required to make the proposed changes.
- D. **Policy/legal** – The process for amending the KDC requires that Planning Commission hold a public hearing on proposed changes and make a recommendation to City Council if changes are desired.

ALTERNATIVES:

- A. Recommend Approval of the proposed text amendments, including any identified text changes.
- B. Take No Action – This will result in no change to the current function of the Planning Commission.
- C. Recommend alternatives/additional land use process be brought before Planning Commission for approvals/recommendation to City Council. This will result in staff coming back to Planning Commission at a future meeting with additional changes identified.

RECOMMENDATION:

Staff recommends that Planning Commission recommend approval of the proposed text amendments, including any identified text changes to City Council for approval.

ATTACHMENTS:

- KDC Section 2.309-Draft
- KDC Section 3.101-Draft
- KDC Section 3.103-Draft
- KDC Section 3.105-Draft
- KDC Section 3.113-Draft
- KDC Section 3.201-Draft
- KDC Section 3.202-Draft
- Chart showing current Keizer Planning Commission Functions and select comparative jurisdictions

2.309 SITE AND LANDSCAPING DESIGN

2.309.01 Purpose

The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; provide public amenities, and provide for buffering and screening of dissimilar land uses. (11/17)

2.309.02 Scope

- A. Landscaping Required. All new construction, as well as expansion or redevelopment of structures including interior remodeling over \$100,000 in value, or any parking lot reconfiguration for commercial, multi-family, or industrial uses shall be subject to the requirements of this Section. (11/17)
- B. Landscape Plan Review. Landscaping plans shall be submitted for review subject to procedures of this Section and subject to Type 1-A review procedures set forth in section 3.2. (07/06)
- C. Tree Plan. A tree plan in accordance with section 2.309.04.B.7 is required with all Type II and III applications and the following Type I applications: ~~Conditional Use and~~ Partitioning. (5/98)

2.309.03 Minimum Area Requirements

Landscaped areas may include landscaping around buildings; open spaces and outdoor recreation areas; islands and perimeter planting areas in parking and loading areas; and areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The minimum areas devoted to landscaping are established within the applicable zone district the property is located. (07/06)

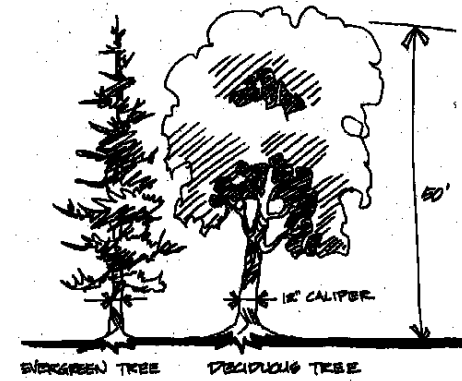
2.309.04 General Provisions

- A. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in a mixture of landscaping elements to include such things as lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements such as site furnishings, water features, artwork, or other similar features that provide aesthetic value and open space. Landscaping shall be designed, planted, and maintained in accordance with professional

landscaping standards. Landscaping installed over asphalt shall be prohibited. (11/17)

B. Submittal Requirements. A submitted landscaping plan shall include the following: (5/98)

1. Type, variety, scale and number of plants used; (5/98)
2. Placement and spacing of plants; (5/98)
3. Size and location of landscaped areas; (5/98)
4. Contouring, shaping and preparation of landscaped areas; (5/98)



Significant Trees

5. Use and placement of non-plant elements within the landscaping used as accents. Such elements may only be used minimally and shall total no more than 25 percent of the total landscape area. (11/17)
6. Method of irrigation. (5/98)
7. Location, and identification of any trees, both existing and planned consistent with Section 2.309.04.C. (07/06)
 - a. On the Landscaping Plan, the existing significant trees identified by their common names, along with the size of such significant trees. Existing significant trees shall include any trees which were removed within the two-year period prior to the date the application was first submitted shall be shown on the landscape plan. (07/06)
 - b. Which significant trees are proposed to be removed, or have been removed within the past two years. (07/06)
 - c. Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees according to current best management practices. (11/17)
 - d. Location, size and type of replacement trees proposed to be added, if any. (5/98)

- C. Significant Trees. As used herein, “significant trees” are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches diameter at breast height (DBH) (5 feet above ground level). (07/06)
- a. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of significant trees. Depending on these factors, the removal of significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is a condition of a land use approval or a building permit. Significant trees removed (including trees removed within the two years prior to the application) must be replaced at the rate of two new trees for each significant tree removed or less if a large tree specimen size is planted. Replacement trees shall be a type that will be at least twelve (12) inches (DBH) when fully mature. At the time of planting, replacement trees shall be planted in accordance with the standards of section 2.309.06. In lieu of an on-site tree replacement plan, an off-site tree mitigation plan consistent with requirements within this section shall be submitted to the Community Development Director for approval. Such off-site location shall be within the public right of way, on public property, or on private property if qualifying as a streetscape tree, and must be approved by the City. If no suitable off-site location is identified for the immediate installation of replacement trees, a contribution to the City’s landscape mitigation fund in the amount equal to the cost of a replacement tree (including installation) as determined by the City may be made for the City to install replacement trees at a later date, as determined appropriate. Such funds shall be used only for replacement tree planting. (11/17)
- b. The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right-of-way. These requirements shall be applied to both public and private development. (11/17)
- D. Existing Vegetation. The landscape design shall also incorporate as much of the existing desirable vegetation on the site as is possible. (07/06)

2.309.05 Screening and Buffering

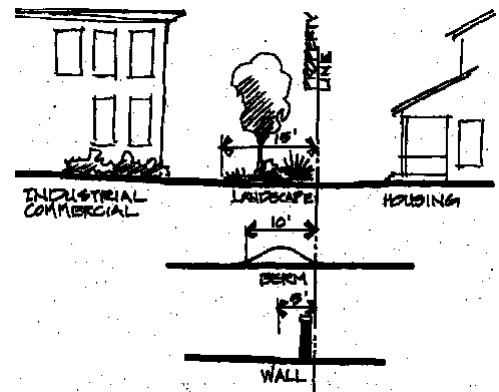
- A. Screening and Buffering. Screening and Buffering shall be used to mitigate visual impacts, dust, or noise, and to provide for compatibility

between dissimilar adjoining uses. Screening and buffering shall be used to eliminate or reduce the impacts of the following uses: (11/17)

1. Commercial and industrial uses when abutting residential uses. (5/98)
2. Industrial uses when abutting commercial uses if necessary due to site conditions. (11/17)
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)
4. Outdoor storage areas. (5/98)
5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses. (5/98)
6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners. (5/98)
7. Multifamily developments when abutting lower density residential uses. (11/17)

B. Where screening or buffering is determined to be necessary, one of the following alternatives shall be employed: (07/06)

1. Width not less than 15 feet shall be planted with the following materials: (07/06)
 - a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart. (5/98)
 - b. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting. (5/98)
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area. (5/98)



Alternative Buffering Techniques

2. Width not less than 10 feet shall be developed in accordance with the following standards: (07/06)
 - a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary. (5/98)
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use. (5/98)
 - c. The combined total height of the berm and hedge shall be not less than five feet. (5/98)
3. Width must not be less than five feet shall be developed in accordance with the following standards: (07/06)
 - a. A masonry wall or sight-obscuring fence not including vinyl slatted chain link fences not less than six feet in height. In addition, a fence shall be maintained in a safe and attractive manner. (07/06)
 - b. A mixture of lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area. (07/06)
4. Other alternative methods which produce an adequate screening or buffering may be approved by the City. (07/06)

2.309.06 Planting and Maintenance

- A. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance. (5/98)
- B. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walkways, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 13 feet over streets and vehicular traffic areas. (5/98)
- C. Utility Interference. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground. (5/98)
- D. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic. (5/98)

- E. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, free from defects, diseases, and infections. (5/98)
- F. Deciduous Trees. Deciduous trees shall have a minimum caliper of 2 inches (DBH), and a minimum height of 8 feet at the time of planting. (07/06)
- G. Evergreen Trees. Evergreen trees shall be a minimum of 8 feet in height and fully branched at time of planting. (5/98)
- H. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches. (5/98)
- I. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container. (07/06)
- J. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials unless otherwise approved by the Zoning Administrator. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. (07/06)
- K. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is the responsibility of the property owner. (5/98)
- L. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property. This requirement applies to existing, as well as new development. (11/17)
- M. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods. (5/98)

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 Signs~~) (5/09)
 - 4. Partitions (5/98)
 - 5. Greenway Development Conditional Use Permit (2/01)
 - 6. Floodplain Development Permit (including Floodplain Development Permit Variance and Conditional Use Permit) (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)

PLANNING COMMISSION

September 2023

- 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. Conditional Use (except Transit Station)

4.3. Variance (Minor and Major)

2.4. Permit for demolition, modification, or moving of a Historic Resource (9/18)

3.5. 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 (9/18)
- 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 APPLICATION PROCESS (6/22)

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 <u>and Conditional Use Permits</u>) (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development <u>Conditional Use</u> Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) <u>(5/09) Signs</u>	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision

PLANNING COMMISSION
September 2023

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
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

PLANNING COMMISSION
September 2023

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Development Standards Alternative within Keizer Station (12/18)	II-B	Recommendation to City Council			Final Decision
<u>Conditional Use (except Transit Station and Signs)</u>	<u>II-C</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Plan Comm Decision</u>
<u>Variance (Minor and Major)</u>	<u>II-C</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Plan Comm Decision</u>
Nursing and Residential Care Facilities (6/11)	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

PLANNING COMMISSION
September 2023

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

MIDDLE HOUSING LAND DIVISION AND EXPEDITED LAND DIVISION APPLICATION PROCESS (6/22)

LAND USE ACTION	TYPE	STAFF	REFEREE	PLANNING COM-MISSION	CITY COUNCIL
Middle Housing Land Division (1)	N/A	Final Decision	Appeal of Staff Decision (2)		
Expedited Land Division (1)	N/A	Final Decision	Appeal of Staff Decision (2)		

(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. (6/22)

(2) ORS 197.375 establishes the requirements for appeals of Middle Housing Land Divisions and Expedited Land Divisions. An appeal of the Referee's Decision is heard by the Court of Appeals. (6/22)

3.103 CONDITIONAL USE PERMITS

3.103.01 Process

Conditional Use Permit applications (except transit stations and signs) shall be reviewed in accordance with the Type I-BII-C review procedures specified in Section 3.202.02. (2/01)

3.103.02 Application and Fee

An application for a Conditional Use Permit 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. (2/01)

3.103.03 Criteria for Approval

Conditional Use Permits shall be approved by the Planning Commission if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria: (5/98)

- A. The use is listed as a conditional use in the underlying district. (5/98)
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features. (5/98)
- C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use. (5/98)
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district. (5/98)
- E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use. (5/98)

3.103.04 Conditions

Upon review of those criteria, the findings may be considered to impose specific conditions of approval. The effective date of a conditional use may be limited. (2/01)

3.103.05 Transfer of a Conditional Use

Unless otherwise provided in the final decision granting this conditional use, any conditional use granted shall run with the land, and shall automatically transfer to any new owner or occupant subject to all conditions of approval. (5/98)

3.103.06 Other Conditional Use Actions

- A. Signs. Pursuant to Section 2.308.09 certain types of signs require Conditional Use approval. A sign conditional use contains specific decision criteria which is found in Section 2.308.09. The Conditional Use request for signs is subject to a Type I-B review process with appeals to the Hearings Officer. (9/18)
- B. Floodplain Development Permit. Pursuant to Section 2.122.06 certain types of floodplain development requires Conditional Use approval. A floodplain conditional use contains specific decision criteria which is found in Section 2.122.06. The Conditional Use request is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)
- C. Greenway Development Permit. Pursuant to Section 2.121.04 certain types of Greenway activities require Conditional Use approval. A Greenway conditional use contains specific decision criteria which is found in Section 2.121.04. The Conditional Use requests are subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)

3.105 VARIANCES - MINOR AND MAJOR

3.105.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements only. (2/01)

A minor variance may be approved for those requests resulting in no more than a 20% change in a quantifiable standard. Otherwise, any change to a quantifiable standard greater than 20 percent will require a major variance. (2/01)

3.105.02 Application and Fee

An application for a variance 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. (5/98)

3.105.03 Applicability

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following apply: (5/98)

- A. The proposed variance would allow a use that is not permitted in the district; (5/98)
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard; (5/98)
- C. Modification of the requirement or standard is prohibited within the district; or
- D. An exception from the requirement or standard is not allowed in the district. (5/98)

3.105.04 Criteria - Minor Variance

~~Staff~~The Planning Commission may grant a minor variance from a requirement or standard of this Ordinance in accordance with the Type ~~I-BII-C~~ review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (5/98)

- A. 1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or, (7/03)

2. The variance requested is consistent with the intent and purpose of the provision being varied; or (7/03)
 3. The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied; (7/03)
- B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and (7/03)
 - C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and (5/98)
 - D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed. (5/98)

3.105.05 Criteria - Major Variance

Staff-The Planning Commission may grant a major variance from a requirement or standard of this Ordinance in accordance with the Type ~~I-DII-C~~ review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (7/03)

- A. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone; and (5/98)
- B. The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance; and (7/03)
- C. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property; and (5/98)
- D. There has not been a previous land use action approved on the basis that variances would not be allowed; and (5/98)
- E. The variance will not significantly affect the health or safety of persons working or residing in the vicinity; and (7/03)
- F. The variance will be consistent with the intent and purpose of the provision being varied. (7/03)

3.105.06 Variance Conditions

Upon review of those criteria the findings may be considered to impose specific conditions of approval. The effective date or duration of a variance may be limited. (2/01)

3.105.07 Transfer of a Variance

Unless otherwise provided in the final decision granting this variance, any variance granted pursuant to this chapter shall run with the land, and shall automatically transfer to any new owner or occupant subject to all conditions of approval. (5/98)

3.105.08 Other Variance Actions

- A. Sign. Pursuant to Section 2.308.10 modification of the sign standards requires a variance. The sign variance contains specific decision criteria which is found in Section 2.308.10. A Variance request for signs is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)
- B. Floodplain. Pursuant to Section 2.122.03.D modification of the floodplain standards requires a variance. The floodplain variance contains specific decision criteria which is found in Section 2.122.03.D.1. A Variance request is subject to a Type I-B review process with appeals to the Hearings Officer. (7/23)

3.113 KEIZER STATION MASTER PLAN

3.113.01 Area of Application

The Keizer Station Plan requires the development of Master Plans for each of the five Areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Each Master Plan shall be reviewed through a Type III review process. (9/18)

3.113.02 Review Procedures

The Keizer Station Plan identifies different areas for planned development. Each area has provisions to be approved through the Keizer Station Master Plan (Type III) application procedure. (9/18)

Type III actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission which then makes a recommendation to the City Council for public hearing and final decision. In the case of an amendment to a previously approved master plan, the Zoning Administrator shall make a recommendation to the City Council for public hearing, bypassing the Planning Commission. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.205 and 3.206 sets forth the hearings process. (9/18)

Properties in Area C may develop as an individual parcel with a Conditional Use Permit (Type ~~I-BII-C~~) approved by the ~~Zoning Administrator~~Planning Commission in accordance with the applicable criteria and subject to conditions of approval in Section 3.113.04. Areas A, B, D, and two or more parcels in Area C, may develop with Type III Keizer Station Master Plan approval by the City Council. (9/18)

3.113.03 Submittal Requirements

1. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way and pedestrian connections), utilities, open space and parking areas, depicting the number and types of spaces. (2/03)
2. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation. (2/03)
3. Building elevations, typical cross-sections and typical wall sections of all building areas. (2/03)

4. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials. (2/03)
5. Elevations, typical cross sections of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts. (2/03)
6. Proposed layouts for exterior signage and graphics. (2/03)
7. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns. (2/03)
8. An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any. (2/03)
9. A description of servicing requirements, trash compactors and related areas, loading docks, etc. (2/03)
10. Calculation of gross building, parking and open space. (2/03)
11. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (2/03)
12. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (2/03)

3.113.04 Review Criteria

Approval of a Master Plan for an area of the Keizer Station Plan shall require compliance with the following: (2/03)

- A. The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan. (2/03)
- B. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones: (2/03)
 1. Design standards (2/03)
 2. Transportation system standards (2/03)

3. Utility standards ^{-(2/03)}
4. Parking standards ^{-(2/03)}
5. Landscape standards ^(2/03)

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied.
^(2/03)

C. Development Strategies ^(4/10)

1. Pedestrian Access, Safety and Comfort ^(2/03)
 - a. To ensure safe, direct, and convenient pedestrian circulation, development, shall provide a continuous pedestrian and/or multi-use path system. ^(4/10)
 - 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.
^(2/03)
 - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. ^(2/03)
 - 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. ^(2/03)
 - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. ^(2/03)
 - f. For driveways that service more than 100 parking spaces, shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code. ^(4/10)
 - g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. ^(2/03)

2. Crime Prevention and Security (2/03)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (2/03)

- 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 (2/03)
- 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 (2/03)
- 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 (2/03)
- 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 (2/03)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

3. Reduced Parking (2/03)

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. (2/03)

4. Creating and Protecting Public Spaces (2/03)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (2/03)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (2/03)

5. Human Scaled Building Design (2/03)

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. (2/03)

6. Request for Reallocation of Retail Square Footage Limit

The Keizer Station Plan (as amended) allows an applicant to request a reallocation of the retail square footage limits in the context of a Master Plan. If an applicant is requesting such reallocation, the applicant shall comply with the following criteria: (9/18)

- a. Does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA or that any resulting impacts can be mitigated in order to maintain the Level of Service and volume/capacity Standards in the Keizer Station TIA; (9/18)
- b. The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area; (6/10)
- c. Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. (6/10)
- d. Residents and/or property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. (6/10)
- e. Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation. (6/10)

A reallocation shall not reduce the amount of retail square footage allowed in an approved Master Plan for a different Area without the amendment of the Master Plan for such different Area. (9/18)

3.113.05 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives: (2/03)

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (2/03)
 - 1. Orienting building and facilities towards transit services. (2/03)
 - 2. Minimizing transit/auto conflicts. (2/03)
 - 3. Encouraging transit supportive uses. (2/03)
 - 4. Minimizing walking distance to transit stops. (2/03)
 - 5. Avoiding excess parking areas. (2/03)
 - 6. Encouraging shared parking and structures or under-structure parking.
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (2/03)
 - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (2/03)
 - 2. Separating auto and truck circulation and activities from pedestrian areas. (2/03)
 - 3. Pedestrian-oriented design. (2/03)
 - 4. Pedestrian amenities. (2/03)
 - 5. Bicycle parking. (2/03)
 - 6. Outdoor lighting. (2/03)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (2/03)

1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (2/03)
 2. Siting and orientation of land uses. (2/03)
 3. Frontage roads or shared access. (2/03)
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require: (2/03)
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (2/03)
 2. Buffering of adjacent residential uses. (2/03)
- E. Other Conditions. The Council may impose other conditions of approval it deems appropriate for the health, safety, and welfare of the citizens of Keizer or to ensure the desired implementation of the approved master plan. (2/03)
- F. Traffic Impact. To minimize congestion and traffic impact within the development and in adjacent areas. (2/03)

3.113.06 Master Plan Amendment Process

Amendments to an adopted Master Plan may be allowed subject to the provisions of this Section. (9/18)

- A. Applicability. The amendment process is limited to the following:
1. Site plan changes that have no increase to overall square footage allowed in the existing Master Plan and cause no increase in the overall vehicle trips generated. For example, an amendment could be a change in the number of buildings and their location. (9/18)
 2. Landscaping design changes. (9/18)
 3. Changes to building design. (9/18)

Any other proposed changes to any adopted Master Plan shall be processed as a new Master Plan application. (9/18)

- B. Application Submittal Requirements:

1. All changes to any items identified in Section 3.113.03. (9/18)

2. A written explanation demonstrating how the proposed amendment is generally consistent with the adopted Master Plan. (9/18)
3. A transportation analysis demonstrating consistency with the adopted Master Plan Traffic Impact Analysis (TIA). (9/18)
4. An overall Master Site Plan which includes details for the subject area of change as well as the incorporation of those changes into the entire Master Plan Area, (9/18)

C. Review Criteria:

1. All applicable review criteria of Section 3.113.04 considering the type and extent of the proposed amendment. (9/18)
2. The amendment is consistent with the adopted Master Plan, or achieves an equally desirable result. (9/18)
3. The amendment does not result in additional traffic generation and is consistent with the adopted Traffic Impact Analysis. (9/18)

D. Conditions of Approval:

1. All original conditions of the adopted Master Plan shall remain in effect unless specifically modified. (9/18)
2. Additional conditions may be placed for any Master Plan Amendment to assure the objectives in Section 3.113.05 are achieved. (9/18)

3.201 GENERAL PROVISIONS

3.201.01 Multiple Applications

- A. Applications for more than one land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently. (5/98)
- B. Multiple land use requests involving different processing Types shall be heard and decided at the higher processing Type. For example, an application involving a ~~Subdivision Partition~~ (Type ~~II-B~~) with a Variance (Type ~~I-BII-C~~) shall be reviewed and decided as a Type ~~II-C~~ request. (5/98)

3.201.02 Area-wide Applications

Applications involving a generalized area may be aggregated if in the opinion of the Zoning Administrator a better understanding of the entire land use proposal is served by combining requests. A final decision shall be granted for each request and each request is appealable individually. (5/98)

3.201.03 Application Requirements

- A. Application Forms. The City shall prepare and provide application forms for land use actions requiring review and approval, and all permits under this Code. Application forms shall require at least the following information: (2/01)
 - 1. Names and mailing addresses of the applicant and owners of the subject property; (2/01)
 - 2. Address and legal description of the subject property; (2/01)
 - 3. Written description and reason of the request; (2/01)
 - 4. Plot plan of the subject property; (2/01)
 - 5. Such other information as required by the Zoning Administrator as applicable to the proposed action to its merits. (2/01)
- B. All applications for land use actions shall be filed with the administrator on forms prescribed under this section, and shall be complete as to all the factual information required to be stated on or furnished with the application. (2/01)
- C. All required information as identified on the application must be submitted to and approved by the City to be deemed complete. (2/01)

3.201.04 Application; By Whom Filed

An application for a land use action or permit may be filed by one or more of the following persons: (2/01)

1. Owner of subject property; (2/01)
2. Purchaser of subject property under a dully executed written contract when the application is accompanied by proof of the purchaser's status and the seller consents in writing to such application; (2/01)
3. A leasee in possession of the property, when the owner consents in writing to such application; (2/01)
4. The agent for any of the foregoing, when dully authorized in writing to such application is accompanied by proof of authority. (2/01)

3.201.05 Resubmission of Application

If any land use action applied for is denied on the merits, such denial shall be a bar to refiling the same or substantially similar application for a period of one year from the date of the final decision. (2/01)

3.202 GENERAL PROCEDURES –TYPES I, II, AND III ACTIONS

3.202.01 Procedure for Type I-A Review

(Type 1-A: Temporary Use Permit, Signs excluding variances or conditional uses)
(3/10)

Applications subject to a Type I-A administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of processing the application and all related timing provisions either:
(5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (5/98)
- D. Conditions. Approvals of a Type I-A action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
(2/01)
 - a. Ensure that the standards of the development code are met; or,
(2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)

PLANNING COMMISSION

September 2023

2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (5/98)
- F. Appeals. A Type I-A land use decision may be appealed by the applicant to the Hearings Officer, except that Site plan reviews shall be appealed to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (10/18)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.02 Procedure for Type I-B and I-D Review

(Type I-B: ~~Minor Variance~~ (Signs), Property Line Adjustment, Conditional Use (Signs), Partition, Greenway Development Conditional Use Permit, Floodplain Development Permit, including Floodplain Development Permit Variances and Conditional Use Permits) (~~Type I-D Major Variance~~) (6/16)

Applications subject to administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (7/03)
 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies at the Director's option. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (6/14)

PLANNING COMMISSION

September 2023

- D. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; The Administrator shall have the option of referring a type I-B application to the Hearings Officer or City Council for the initial decision. The Administrator shall have the option of referring a type I-D application to the Planning Commission or City Council for the initial decision. (7/03)
- E. Notice of Application. Notice of Partition application shall be mailed to owners of property within 250 feet of the site and will invite the submittal of written comments on the proposal to the City within 10 days. (7/23)
- F. Conditions. Approvals of a Type I-B and I-D action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (7/03)
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 3. Performance bonding to comply with applicable conditions of approval shall comply with the provisions in Section 3.202.05B. (2/01)
- G. Notice. Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)
- H. Appeals. A Type I-B land use decision may be appealed to the Hearings Officer, by either the applicant or persons receiving notice of the decision. A Type I-D land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. (7/03)
- The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- I. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (5/98)

3.202.03 Procedure for Type I-C Review

(Type I-C: Development Review, and Alternative Design Review of Detached Accessory Dwelling Unit (Front Yard))

- A. Initial Review. Upon receipt of an application for a Type I-C land use action, the City staff shall review the application for completeness. (2/01)
 - 1. Incomplete applications shall not be scheduled for Type I-C review until all required information has been submitted by the applicant. (2/01)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (2/01)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: processing the application and all related timing provisions either: (2/01)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (2/01)
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (2/01)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (2/01)
- D. Conditions. Approvals of a Type I-C action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
 - a. Ensure that the standards of the development code are met; or, (2/01)
 - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
 - 2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (2/01)

PLANNING COMMISSION

September 2023

- F. Appeals. A Type I-C land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (2/01)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

3.202.04 Procedures for Type II and Type III Actions (6/22)

(Type II Subdivision, Planned Unit Development and Manufactured Home Parks – Hearings Officer decision) (4/10)

(Type II-B Transit Station Designation or Removal of a Historic Resource, Development Standards Alternative within Keizer Station – City Council decision) (6/11)
~~*(Type II-B Designation or Removal of a Historic Resource – City Council Decision)*~~ (9/18)

(Type II-B Development Standards Alternative – Planning Commission decision) (12/18)
~~*(Type II-B Development Standards Alternative within Keizer Station – City Council Decision)*~~ (12/18)

(Type II-C Conditional Use for Nursing and Residential Care Facilities – Planning Commission decision) (9/18)

~~*(Type II-C Permit for demolition, modification, or moving of a Historic Resource – Planning Commission Decision)*~~ (9/18), *Conditional Uses, Minor and Major Variance – Planning Commission decision*

(Type III Annexation, Zone Changes involving 5 or fewer adjacent land ownership and Comprehensive plan Map Amendments involving 5 or fewer adjacent land ownerships, Keizer Station Master Plan which may include Subdivision and Partitioning, Keizer Station Master Plan Amendments, and Lockhaven Center Master Plan) (12/19)

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
 - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 - 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)

PLANNING COMMISSION

September 2023

- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire districts, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of Environmental Quality, The Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (6/14)
- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)
- E. Staff Review. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties. The Zoning Administrator may refer the initial decision to the City Council. (5/98)
- F. Notice of Application. Notice of the application shall be mailed to owners of property within 250 feet of the site and neighborhood association representatives. The notice to owners and neighborhood association members will invite the submittal of written comments on the proposal to the City within 10 days. (7/23)
- G. Hearings Procedures. The public hearing shall comply with the provisions in Section 3.205 or Section 3.206. (6/11)
- H. Conditions. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (5/98)
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (5/98)
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or, (5/98)
 - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
 - 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
 - 3. Performance bonding for applicable conditions shall comply with the provisions in Section 3.202.05B. (2/01)

- I. Notice. The applicant shall be notified, in writing, of the decision or recommendation. In addition, notice of the decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing. (6/11)
- J. Appeals. With the exception of a Transit Station, Designation or Removal of a Historic Resource, and Keizer Station Development Alternative, which are final decisions by the City Council, a Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Administrator. The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council. (12/18)
- K. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (2/01)

3.202.05 Special Procedural Requirements

A. Statutory Time Limits (6/22)

If for any reason it appears that final action may not be completed within the time limit required by state statute, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance. (6/22)

- 1. The City staff shall notify the City Council of the timing conflict. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the time limit required by state statute. (6/22)
- 2. Public notice shall be mailed to affected parties as specified in Section 3.204.02. (5/98)
- 3. The City Council shall hold in a public hearing on the specified date and render a decision approving or denying the request within the time limit required by state statute. Such action shall be the final action by the City on the application. (6/22)

B. Performance and Maintenance Bonding (2/01)

Conditions of approval required by the City shall be completed prior to the issuance of any building permit within a residential subdivision or partitioning, or an occupancy permit for any other use. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions. (2/01)

- 1. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Keizer, cash, certified check,

PLANNING COMMISSION

September 2023

time certificate of deposit, or other form acceptable to the City. The City Attorney must approve the form and appropriate documents filed with the City Recorder. Agreements may be recorded to restrict building permits. (2/01)

2. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance. (5/98)
3. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. The Administrator may extend this time limit for up to one additional year. (2/01)
4. Maintenance Bonds for public improvements of 40% of the total cost of improvements is required for one-year warranty. (2/01)

KEIZER	NEWBERG	ALBANY	WOODBURN	STAYTON	SILVERTON
PC Decision - Alternative Design Review - ADU	PC Decision - Conditional Use Permits	PC Decision - Planned development major changes	PC Decision - Conditional Use	PC Decision - Comprehensive plan changes	PC Decision - Major Modification to approval
PC Decision - Development Standards Alternative	PC Decision - Historic Landmark Establishment or Modification/Alteration	PC (or Hearing Board) Decision - Adjustments	PC Decision - Special Conditional Use - Historically or Architecturally Significant Building	PC Decision - Conditional uses	PC Decision - Planned development
PC Decision - Nursing and Residential Care Facilities	PC Decision - Multi-family Dwellings	PC Decision - Cluster Developments	PC Decision - Adjustment to Street Improvement Requirements	PC Decision - Partitions	PC Decision - Subdivision Preliminary plan
PC Decision - Permit for demolition, modification or moving of a Historic Resource	PC Decision - Subdivision (including middle housing land division)	PC Decision - Conditional Use	PC Decision - Design Review	PC Decision - Preliminary & development plans for master planned developments not associated with annexations	PC Decision - Variance
Appeal of Staff Decision - Development Review	PC Decision - Planned Unit Developments	PC Decision - Floodplain Development Permit	PC Decision - Manufactured Dwelling Park, Preliminary Approval	PC Decision - Site plan review (some)	PC Decision - Zoning map change (quasi-judicial)
Appeal of Staff Decision -Major Variance	Appeal of Staff Decision – Manf Dwelling Parks	PC Decision - Interpretations	PC Decision - Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit	PC Decision - Subdivisions not associated with annexations, comprehensive plan amendments or zone changes.	PC Decision -Conditional use
Recommendation to CC - Zone Change (Legislative)	Appeal of Staff Decision – Middle Housing Land Division	PC Decision - Planned development preliminary review	PC Decision - Planned Unit Development (PUD), Design Plan Final Approval	PC Decision - Variances	Appeal of Staff Decision - Adjustment
Recommendation to CC - Annexation	Appeal of Staff Decision – Multifamily Dwellings	Appeal of Staff Decision - Interpretations	PC Decision - Planned Unit Development (PUD), Preliminary Plan Approval	PC Decision - Zone changes	Appeal of Staff Decision - Design review
Recommendation to CC - Comprehensive Plan Map Changes	Appeal of Staff Decision – Partition	Appeal of Staff Decision - Manufactured Home Park	PC Decision - Special Use as a Conditional Use	Appeal of Staff Decision - Final partition plats	Appeal of Staff Decision - Interpretations
Recommendation to CC - KZ Station Master Plan	Appeal of Staff Decision – Site Plan Review	Appeal of Staff Decision - Minor Variance	PC Decision - Subdivision Preliminary Approval	Appeal of Staff Decision - Final subdivision plats	Appeal of Staff Decision - Minor Modification to approval
Recommendation to CC - Lockhaven Center Master Plan	Appeal of Staff Decision – Subdivisions	Appeal of Staff Decision - Natural Resource Impact Review	PC Decision - Telecommunications Facility	Appeal of Staff Decision - Minor modifications	Appeal of Staff Decision - Partition
Recommendation to CC - Text Amendments	Appeal of Staff Decision – Variances	Appeal of Staff Decision - New construction	PC Decision - Variance	Appeal of Staff Decision - Site plan review	Appeal of Staff Decision - Property line adjustments
Recommendation to CC - Text Amendments	Recommendation to CC - Development Code Amendments	Appeal of Staff Decision - Partition Preliminary Plan	Recommendation to CC - Annexation	Recommendation to the CC - Annexations	Recommendation to CC - Annexation
	Recommendation to CC - Annexation	Appeal of Staff Decision - Recreational vehicle park	Recommendation to CC - Comprehensive Plan Map Change	Recommendation to the CC - Development Code changes	Recommendation to CC - Comprehensive plan amendment
	Recommendation to CC – Comprehensive Plan Amendments	Appeal of Staff Decision - Site Plan Review	Recommendation to CC - Interpretations	Recommendation to the CC - Subdivisions or master planned developments associated with annexations, comprehensive plan amendments, or zone changes	Recommendation to CC - Development Code amendment
	Recommendation to CC - Comprehensive Plan Map Changes	Appeal of Staff Decision - Subdivision Preliminary Plan	Recommendation to CC - Zoning Map Change		Recommendation to CC - Urban growth boundary
	Recommendation to CC - Creation of any land use regulation	Appeal of Staff Decision - Tree Removal		Recommendation to the CC - Zone changes	Recommendation to CC - Vacations
	Recommendation to CC - Zone Map Amendments	Recommendation to CC - Annexations			Recommendation to CC - Zoning map change (legislative)
	Recommendation to the CC - Establishment of a Historic Landmark subdistrict	Recommendation to CC - Comprehensive Plan and Map Amendments			
		Recommendations to CC - Zoning Map Amendments			