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KEIZER PLANNING COMMISSION

Wednesday, November 13, 2024, 6:00 PM
Keizer Event Center

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. October 2024

3. APPEARANCE OF INTERESTED PERSONS

This time is made available for those who wish to speak about an issue that is not on the agenda.

4. PUBLIC HEARING

a. None

5. NEW-OLD BUSINESS/STAFF REPORT

a. Planning Commission Rules

b. Update on FEMA Floodplain issue: Pre-Implementation Compliance Measures (PICM)

6. COUNCIL REPRESENTATIVE REPORT

7. COMMISSIONER REPORTING TO COUNCIL: JEREMY GRENZ

8. NEXT MEETING: DECEMBER 11TH

9. 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."



MINUTES
KEIZER PLANNING COMMISSION
Wednesday, October 9, 2024
Keizer Civic Center

- 1. CALL TO ORDER** **CALL TO ORDER:** Chair Matt Lawyer called the meeting to order at 6:00 pm.

Present:

Matt Lawyer, Chair
Sara Hutches, Vice Chair
Lindsey King
Frank Hostler
Fernando Lopez
Robb Witters

Council Liaison Present:

Councilor Juran

Youth Liaison Present:

Open Position

Staff Present:

Shane Witham, Planning Director
Dawn Wilson, Deputy City Recorder

Absent:

Jeremy Grenz

- 2. SWEARING IN OF COMMISSIONERS** Deputy City Recorder swore-in Commissioners Lindsey King and Frank Hostler.
~ Lindsey King & Frank Hostler

Ms. King shared her interest in serving as a Planning Commissioner so she could be involved and know what's happening in the community and give the community what she could.

Mr. Hostler shared his interest in serving on the Planning Commission again. He was an engineer in the army and graduated in Community Development, and he chooses to be informed.

- 3. ELECTION OF CHAIR AND VICE CHAIR**

Chair Matt Lawyer opened the floor for nominations.

Commissioner Hutchens nominated Matt Lawyer for Chair and Jeremy Grenz for Vice Chair.

There were no other nominations for consideration, and the nominations were closed.

Commissioner Hutchens moved to accept the nominations for Matt Lawyer as Chair and Jeremy Grenz as Vice Chair. Commissioner Lopez seconded.

Motion passed unanimously as follows: King, Hostler Witters, Lopez, and Hutches in favor with Grenz absent and Lawyer abstained.

Chair Matt Lawyer expressed appreciation for the work of the previous Commissioners Mo Avishan and Ron Bersin.

4. APPROVAL OF MINUTES

- a. August Minutes** Commissioner Hutchens moved for approval of the August 2024 Minutes as presented. Commissioner Witters seconded. Motion passed unanimously as follows: Lawyer, Hutches, Witters, and Lopez in favor and Grenz absent and Hostler and King abstained.

- 5. APPEARANCE OF INTERESTED CITIZENS** There were no interested citizens.

- 6. PUBLIC HEARING:** There were no public hearings.

7. NEW-OLD BUSINESS/STAFF REPORT

- a. Planning Commission Rules** Planning Director Shane Witham summarized the Planning Commission Rules, which came from the Legal Department. He explained that he was not looking for a formal motion at this meeting but would like to receive a consensus. He asked how to align the speaking times with the City Council, and the Legal Department would like to see consistency in the rules. The Commissioners may want to consider the monthly meetings and canceling procedure or request more flexibility for Commissioners.

Discussion ensued on the speaking time to be a not-to-exceed limit. Mr. Witham would bring back options on setting and canceling meetings by the chair consulting with the council liaison. The commissioners terms were discussed, and they would like to have longevity for commissioners. The type of occupation seemed conflicting. It was suggested that the City Attorney correct or update any ambiguous language. It was noted that the Roberts Rules of Order were guidelines on how to conduct public meetings, and that the City Attorney would be present for Public Hearings to ensure that any parliamentary rules would be followed correctly. The sanction language was questioned.

There was a consensus to consolidate everything into one set of rules with not-to-exceed time limits and explore potential changes to the term limits, but the Commissioners would like to know the history first on how the terms were created, The ordinance speaks to no more than two commissioners with similar professions. The commissioners would like to have an

understanding and no unanticipated consequences with Roberts Rules of Order and to consider if no successor was found to allow the incumbent to continue serving.

b. Climate Friendly Area Discussion (Continued from August)

Planning Director Shane Witham summarized the previous Climate Friendly Area (CFA) Discussion from August, mentioned the studies that were conducted, and that the Mid-Willamette Valley Council of Governments was helping the City in developing the CFA. He asked the commissioners to consider the Lockhaven Center that would require a height allowance and certain types of uses to have its own CFA. There was concern of doing a rezone for affordable housing because it could cause some displacement of property owners.

Mr. Witham strongly advocated doing a Comprehensive Plan Amendment rather than just doing a zone change for transparency. The other option was to use the Lockhaven Center and the mixed use areas within this center, or use the Lockhaven and Chemawa Centers jointly, or reconsider the Cherry Center.

Discussion ensued on sharing the areas. Chair Lawyer noted that he and Commissioner Witters work in the same building and had a conversation about this, but did not make any decision.

Commissioner Lopez suggested having two areas of the Lockhaven and Cherry Centers for better flow to downtown and to avoid as much displacement as possible.

It was clarified that the proposed changes were not that significant compared to what the City already allowed so they wouldn't immediately or necessarily impact the property owners along River Road. There would be more height and density allowance and a greater minimum density requirement than what's currently required. There was concern about out-of-state marketing to build large developments in Keizer and placing strain on all of the resources.

It was noted to leave the Cherry Center out of the CFA. Mr. Witham summarized that there would be a building height increase and increase the minimum density in mixed-use zones only, so there would not be any rezoning.

It was noted that parking within CFA's cannot be required by local governments.

There was a consensus to not look at Cherry Center and to move forward with Lockhaven and Chemawa Centers as the CFA's. Staff would come back with some additional language and text amendments.

It was suggested that the River-Cherry Overlay District would need to have a

lot of structure updates so it may be easier to use the overlay for development. It was noted that there could be a variance.

It was requested to consider the Keizer Station, and Mr. Withham explained that it wasn't conducive to a CFA mostly because it's very parcelized.

**8. COUNCIL
REPRESENTATIVE**

Councilor Juran reported that the Council voted to allow the parade to occur, a resolution to support the Gold Star Memorial Monument, and the letter of support for the Petition to Amend the Three Basin Rule for the North Santiam Sewer System.

Chair Lawyer shared that the Ryan J. Hill park was named after the only person to lose his life in active-duty combat. His mother wanted to have a Gold Star Memorial for families who lost their lives in active service. He explained that the Three Basin Rules was for the State to allow wastewater treatment facilities to be in compliance for direct discharge of wastewater into bodies of water to ensure that systems were treated very well.

Commissioner Hostler shared that his tribe has the West Valley Memorial in Grand Rhonde for each branch. He invited nominations to go before the Veteran's Committee so more names could be added to a pillar.

Chair Lawyer would report to the next Council meeting and invited Ms. King and Mr. Hostler to observe.

**9. NEXT MEETING:
November 13th**

There was a consensus that if staff was not able to come back with proposed rule changes in November, the Chair was authorized to cancel the meeting in consultation with the Planning Director.

10. ADJOURNMENT

Meeting adjourned: 7:50 p.m.

Minutes approved: 11/13/2024

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To: Planning Commission
From: Shane Witham, Planning Director
Subject: Proposed Changes to Planning Commission Rules

Proposed Motion

I move the Planning Commission recommend approval of the proposed draft Resolution and proposed draft Ordinance changes to the Keizer City Council.

I. Summary

The Planning Commission discussed the existing Planning Commission Rules at the October meeting and directed staff to come back with a draft Resolution and draft changes to the existing Council Ordinance necessary to accomplish the desired changes. Planning Commission directed staff to make modifications to the existing documents to provide for consistency and accuracy throughout the documents, as well as to create some additional flexibility in term limits. A draft version of the proposed Resolution and a draft redlined version of the proposed ordinance changes are attached for your reference, along with the existing documents that were included at the October 2024 meeting.

II. Background

- A. At the October 2024 Planning Commission meeting, the Commission discussed the existing documents and by consensus directed staff to return with proposed changes that would provide for consistency and accurately reflect the practices of the commission. A draft Resolution and draft changes to the existing Ordinance are attached for your consideration.
- B. Existing resolutions and ordinances were provided at the October 2024 meeting and are again attached for your reference/convenience which include Resolution 83-1; Resolution 83-2; Resolution R98-2; Ordinance No. 2020-824; Ordinance No. 2023-867 (amendment); Council Rules of Procedure excerpt on hearings

III. Current Situation

- A. With the recent adoption of the Keizer Development Code that revises matters the Planning Commission is to hear, staff felt it was a good time for Planning Commission to review and suggest changes to its rules. Planning Commission provided direction to staff on changes that were desired.

- B. The proposed Resolution provides for consistency within the rules and in relation to Council rules and procedures, specific to the conduct of hearings.
- C. The Proposed draft changes to the Ordinance are necessary to align these rules and accurately reflect what Planning Commission desires. The changes proposed are result in:
 - 1. Elimination of the 2-consecutive term limitation. (This will allow for a Commissioner to re-apply at the end of their term without limit. It should be noted that applications would still be required to go through the process and be approved by the Volunteer Coordinating Committee)
 - 2. Modification to the process for canceling a meeting. Previously, a consensus vote was required. The proposed language will allow this determination to be made by a consensus of the Chair, Council liaison, and staff liaison.
 - 3. Modification to include language about special meetings. This may be necessary due to state mandated timeframes associated with land use applications the Planning Commission may consider.

IV. Analysis

- A. **Strategic Impact** - N/A
- B. **Financial** - N/A
- C. **Timing** - The Planning Commission requested that staff bring back draft language at the next available meeting.
- D. **Policy/Legal** - The Planning Commission makes a recommendation to the City Council for both the Resolution and Ordinance changes. The City Council determines whether to approve the changes to the Resolution and changes proposed in the Ordinance. If Council so determines and approves the changes, Planning Commission will adopt the Resolution and City Council will pass the Ordinance.

V. Alternatives

- A. Recommend the proposed changes to City Council for consideration.
- B. Further review current rules and make additional recommendations to staff, to modify what is proposed.
- C. Take no action (not advised)

VI. Recommendation

Staff recommends that the Planning Commission recommend approval of the proposed Resolution and proposed Ordinance modifications to City Council for approval.

Attachments

1. DRAFT-PC-Nov24-RESOLUTION- Establishing Planning Commission Rules 2024
2. DRAFT-PC-Nov24-Ordinance Creating Planning Commission 2024 - Redlined (002)
3. Resolution 83-1
4. Resolution 83-2
5. Resolution R98-2
6. Ordinance No. 2020-824
7. Ordinance No. 2023-867
8. Excerpt of Council Rules of Procedure

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1 PLANNING COMMISSION, CITY OF KEIZER, STATE OF OREGON

2

3

Resolution R2024-_____

4

5 IN THE MATTER OF ADOPTING "RULES OF THE
6 COMMISSION"; REPEAL OF RESOLUTION 83-1, 83-2, AND
7 R98-2

8

9 WHEREAS, the Keizer Planning Commission adopted rules of the
10 commission by Resolution 83-1 on September 21, 1983;

11 WHEREAS, the Keizer Planning Commission adopted rules for procedure for
12 public hearings before the commission by Resolution 83-2 on September 21, 1983;

13 WHEREAS, the Keizer Planning Commission amended the rules of the
14 commission by Resolution R98-2 on June 10, 1998;

15 WHEREAS, the Keizer Planning Commission desires to make, establish and
16 alter its rules with the approval of the City Council;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the Keizer Planning Commission of the City of Keizer
19 that the following rules and regulations are hereby adopted by the Commission for
20 the proper conduct, order and government of its meetings, business, and members:

21 Section 1. Officers. At the regular meeting in October, the Commission shall
22 elect a chairman and vice chairman from its appointive membership, each of whom
23 shall serve for a one-year term, ending at the adjournment of the regular October
24 meeting, or until a successor is elected.

25 Section 2. Officers Pro Tem. In the case of the absence of both the chairman

1 and the vice chairman at any meeting, a quorum being present, the office of either or
2 both of them shall be filled pro tem from the commissioners present and the business
3 transacted as though the regular officers were present.

4 Section 3. Meetings of the Commission. Regular meetings of the
5 Commission are to be held on the second Wednesday of each month. Meetings shall
6 be convened at 6:00 p.m. at the City Hall. Meetings shall adjourn no later than 9:00
7 p.m. Special meetings may be called by the staff liaison provided that notice of such
8 special meeting so called shall be given each member of the commission.

9 Attendance of commissioners at duly convened meetings of the commission is
10 mandatory. Any commissioner absent without excuse by the chairman from three or
11 more meetings within any calendar year is subject to sanctions as provided in this
12 section. The chairman may excuse any commissioner from attendance at a meeting
13 for good cause. A commissioner denied excuse may appeal the ruling of the chair at
14 the next meeting at which the commission is present. Sanctions available to the
15 commission for excessive unexcused absences shall include censure, or
16 recommendation to the City Council that the offending commission be removed from
17 office, either of which may be imposed by a majority vote of the commission, a
18 quorum being present. The accused commissioner may speak on their own behalf,
19 but shall not vote on the question of the sanction.

20 Section 4. Rules of Order. Robert's Rules of Order Newly Revised, 12th
21 Edition shall govern all Planning Commission proceedings unless they conflict with

1 these rules. The Chair will act as parliamentarian with support from the City
2 Attorney when present.

3 Section 5. Order of Business. The general order of business on the regular
4 session agenda shall be as follows:

- 5 1. Roll call.
- 6 2. Approval of minutes.
- 7 3. Appearance of Interested Citizens.
- 8 4. Public Hearings.
- 9 5. New-Old Business.
- 10 6. Report of Officers/Council Liaison.
- 11 7. Other Business.

12 The order of business may be modified by the members of the commission
13 when such a change will make a more logical sequence of subjects for consideration
14 by the commission.

15 Section 6. Conflict of Interest or Other Disqualifications.

16 A. Conflict of Interest. In every case in which a Planning Commission
17 member is faced with a potential conflict of interest or an actual conflict of interest as
18 defined in state law, the nature of the conflict must be disclosed during the public
19 meeting and recorded in the minutes. If an actual conflict of interest exists, the
20 Planning Commission member, after disclosing the conflict, shall remove themselves
21 from the Council Chambers and refrain from both participation in the discussion and

1 the vote on the issue. However, if the Planning Commission member is a direct party
2 on the issue, they will be allowed to remain in the Council Chambers.

3 B. Bias. In quasi-judicial cases, Planning Commission members should
4 recuse themselves from any decision or discussions if they have a prejudice or
5 prejudgment of the facts to such a degree that the Planning Commission member is
6 incapable of rendering an objective decision on the merits. Members of the Planning
7 Commission should avoid voicing an opinion prior to the testimony.

8 C. Ex Parte Contact. Ex Parte communications only apply in a quasi-judicial
9 case. Members of the Planning Commission should avoid any communication
10 outside of the public hearing with any party, including other Planning Commission
11 members. A site visit is not considered an ex parte contact unless there is
12 communication with an outside party or if information is gained from the visit that
13 could be a factor in Planning Commission's decisions. Any ex parte contact,
14 including the nature of the contact and the information obtained, should be disclosed
15 at the beginning of the public hearing, and again at each continued public hearing.

16 Section 7. Public Hearings.

17 A. Public Hearings. A public hearing shall be held on each matter required
18 by state law, City policy, directed by the Planning Commission, or as directed by the
19 City Council. The Chair shall preside over the hearing and announce the type of
20 hearing and the guidelines for the hearing. The Chair shall declare the hearing to be
21 open and invite the member of the staff to present the staff report together with any

1 petitions, letters, or written comments on the matter.

2 B. Testimony for Non-Land Use Hearings – Members of the audience may
3 present oral testimony on the matters scheduled for public hearing. The Chair will
4 call forth members of the audience who have signed up to present testimony under
5 the guidelines specified at the opening of the hearing. If appropriate, the Chair may
6 first ask those persons in favor of the matter to come forward, with those speaking in
7 opposition coming after.

8 Except as stated otherwise, all testimony will be limited to five minutes per
9 person. The Chair may further limit testimony if a speaker persists in being
10 threatening and disorderly, or abusive, following a warning to that effect from the
11 Chair. Upon being recognized by the Chair, any member of the Planning
12 Commission or the City staff may ask questions of any speaker. Upon closure of the
13 hearing, no further testimony will be allowed unless the Planning Commission allows
14 written testimony to be submitted by a date certain.

15 C. Quasi-Judicial Land-Use Proceedings.

16 1. Scope of Review. All quasi-judicial land use proceedings shall be new
17 (de novo).

18 2. Conflicts of Interest.

19 i. A member of the Planning Commission shall not participate in a
20 discussion or vote in a quasi-judicial land use proceeding if:

21 a. The member has an actual conflict of interest as defined by the

1 Oregon Revised Statutes or the City Charter.

2 b. The member was not present during the public hearing; provided
3 however, the member may participate and vote if they have reviewed the evidence,
4 including recordings of the hearing, and declared such fact for the record.

5 3. Ex Parte Contacts/Bias

6 i. Members of the Planning Commission shall reveal the nature of any ex
7 parte contacts or bias with regard to the proceeding at the commencement of any
8 quasi-judicial land use proceeding.

9 If such contact/bias impairs the member's impartiality, the member shall state
10 this fact and abstain from participation and voting in the matter.

11 4. Burden of Proof. The proponent has the burden of proof on all
12 elements of the proposal, and the proposal must be supported by proof that it
13 conforms to all applicable standards and criteria.

14 i. The decision of the Planning Commission shall be based on the
15 applicable standards and criteria as set forth in the City's Development Code, the
16 City's Comprehensive Plan, and, if applicable, any other land use standards and
17 criteria imposed by state law or administrative rule.

18 ii. The proponent, any opponents, and/or City staff may submit to the
19 Planning Commission a set of proposed written findings or statements of factual
20 information which are intended to demonstrate the proposal complies or fails to
21 comply with any or all applicable standards and criteria.

1 5. Hearing Procedures. The order of hearings in quasi-judicial land use
2 matters shall be:

3 i. Land Use Hearing Disclosure Statement. The City Attorney shall read
4 the land use hearing disclose statement, which shall include:

5 a. A list of the applicable criteria;

6 b. A statement that testimony, arguments and evidence must be
7 directed toward the applicable criteria or other criteria in the plan or land use
8 regulation which the person believes to apply to the decision;

9 c. A statement that failure to raise an issue accompanied by
10 statements or evidence sufficient to afford the Planning Commission and the parties
11 an opportunity to respond to the issue precludes appeal to the Land Use Board of
12 Appeals based on that issue; and

13 d. If applicable, a statement that a failure to raise constitutional
14 issues relating to proposed conditions of approval precludes an action for damages in
15 circuit court.

16 ii. Call for ex parte contacts/bias/conflict of interest. The City Attorney
17 shall inquire whether any member of the Planning Commission has had ex parte
18 contacts, has bias, or has an actual or potential conflict of interest. Any member of
19 the Planning Commission announcing an ex parte contact or conflict shall state for
20 the record the nature of the contact or conflict.

21 iii. Staff summary. Planning staff shall present a summary and

1 recommendation concerning the proposal.

2 iv. Presentation of the Case.

3 a. Applicant's case. Twenty minutes total.

4 b. Persons in favor. Five minutes per person.

5 c. Persons opposed. Five minutes per person.

6 d. Other interested persons. Five minutes per person.

7 e. Rebuttal. Ten minutes total. Rebuttal may be presented by the
8 applicant. The scope of rebuttal is limited to matters which were introduced during
9 the hearing by parties other than the applicant.

10 v. Close of hearing. Subject to state law, the Chair shall close the hearing
11 if there are no further questions from Planning Commission. The Record may be left
12 open pursuant to state law. The timeframe for submittals to the Record shall be
13 clearly announced prior to close of the hearing.

14 vi. Deliberations. Deliberations shall immediately follow the hearing. The
15 Planning Commission may delay deliberations to a subsequent time certain.

16 vii. Findings and Order/Ordinance/Resolution. The Planning Commission
17 shall approve or deny the application.

18 a. The Planning Commission shall adopt findings to support its
19 decision.

20 b. The Planning Commission may incorporate findings proposed
21 by the applicant, the opponent or staff in its decision.

1 viii. Continuances. Planning Commission shall grant continuances as
2 required by state law. However, nothing in this section shall restrict the Planning
3 Commission, in its discretion, from granting additional continuances. Any
4 continuance requested by the applicant shall result in a corresponding extension of
5 the 120-day time limitations imposed by the Oregon Revised Statutes.

6 D. Legislative Land Use Matters.

7 i. Hearings Procedures. The order of procedures for hearings on legislative
8 land use matters shall be:

9 a. Call for abstentions. Inquire whether any member of the
10 Planning Commission wishes to abstain from participation in the hearing. Any
11 member announcing an abstention shall identify the reason therefor and shall not
12 participate in the proceedings.

13 b. Staff summary. Staff shall present a statement of the applicable
14 criteria, and a summary and recommendation concerning the proposal.

15 c. Presentation of the Case.

16 (a) Persons in favor. Five minutes per person.

17 (b) Persons opposed. Five minutes per person.

18 (c) Other interested persons. Five minutes per person.

19 d. Close of hearing. No further information shall be received after
20 the close of the hearing, except for written materials allowed by Planning
21 Commission to be submitted prior to the close of the Record.

1 e. Deliberations. Deliberations shall immediately follow the
2 hearing. The Planning Commission may delay deliberations to a subsequent time
3 certain.

4 f. Reopening hearing. Prior to recommendation to the City
5 Council relating to a legislative land use matter, and upon majority vote of the
6 Planning Commission, a hearing may be reopened to receive additional testimony,
7 evidence or argument. The same notice requirements shall be met for the reopened
8 hearing as were required for the original hearing.

9 E. Attorney Representation. Any person attending a hearing has the right to be
10 represented by an attorney.

11 Section 8. Procedures in Handling Parliamentary Motions.

12 A. To make a motion, a Planning Commission member must be
13 recognized by the Chair at a time when there is no other business on the floor. The
14 Planning Commission member then may state the motion by saying, "I move" and
15 stating the action to be taken.

16 B. Another Planning Commission member seconds the motion. This can
17 be done without being recognized by the Chair. If no member seconds the motion, it
18 does not come before the meeting; it "dies" for lack of a second and the Chair calls
19 for the next item of business. There is no discussion allowed prior to the second,
20 except that any member may request clarification of the motion. A second does not
21 necessarily mean that the member favors the motion. It can be that the member

1 simply wants the motion brought on the floor for discussion.

2 C. The Chair states the question on the motion. This procedure is
3 necessary for the motion to come before the Planning Commission. No debate can
4 take place until the Chair states the motion is on the floor. Mover may withdraw the
5 motion at any time up to the vote. It is unnecessary for the Chair to ask the member
6 who seconded the original motion to withdraw the second. Withdrawal of the motion
7 by general consent takes precedence to the second.

8 D. Any Planning Commission member may request a friendly amendment
9 to the motion. If the mover and the second accept and there is no objection by any
10 Planning Commission member, the motion goes forward as amended. If there is an
11 objection, or the friendly amendment is not accepted by both the mover and the
12 second, a formal motion to amend may be made.

13 E. Debate then takes place on the motion. The original mover is entitled
14 to the floor first. Each member has the right to speak and to rebut any other speakers,
15 but should not have the floor the second time until all who wish have spoken once.
16 Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.

17 F. The Chair then puts the question to a vote. When the debate appears to
18 have closed, the Chair asks "are you ready for the question?" If no one claims the
19 floor, the Chair restates the motion and calls for a vote.

20 Section 9. Voting.

21 A. Voting. Unless a different voting requirement applies, the concurrence of

1 a majority of the members of the Planning Commission in attendance, voting when a
2 quorum of the Planning Commission is present shall decide any question before the
3 Planning Commission. It is considered inappropriate for members to explain their
4 action during the voting.

5 B. Abstentions. Any Planning Commission member abstaining should state
6 the reason for the abstention. Abstentions should not be used if the member does not
7 believe enough information is available. An abstention does not count as either an
8 affirmative or negative vote and shall not be counted toward the number of votes
9 required to pass or reject a motion.

10 C. Methods of Voting. The standard is the voice vote, however the Chair may
11 decide the type of vote unless directed otherwise by a majority of the Planning
12 Commission.

13 i. Voice Vote: This is the standard method when no more than a
14 majority vote is required. The ayes are called for first and then the nays.

15 ii. Show of Hands: This can be used as an alternative to a voice vote,
16 in verifying an inconclusive voice vote.

17 D. Unanimous Consent. For minor matters, the Chair may use unanimous
18 consent as a voting method if it appears that all of the Planning Commission
19 members present agree. If any Planning Commission member objects, a formal vote
20 shall be taken.

21 E. Voting Required. Every member of the Planning Commission that is

1 present when a question is addressed shall vote for or against the question, unless
2 they abstain for just cause (conflict of interest, bias, etc.).

3 F. Voting Results. The Chair announces the voting result. This step is always
4 included to ensure Planning Commission understanding of the outcome and so that
5 the Recorder will be able to accurately reflect the outcome in the minutes. If a motion
6 ends in a tie, the motion will be considered lost.

7 G. Changing Vote.- A Planning Commission member has the right to change
8 their vote up to the time the vote is finally announced. After that, they can make the
9 change only by permission of the Planning Commission, which may be given by
10 unanimous concurrence of Planning Commission. If an objection is made, a motion
11 may be made to grant the permission. The motion is undebatable.

12 Section 10. Motion for Reconsideration. Unless specifically governed by other
13 provisions of the codes, ordinances, or other regulations of the City, any Planning
14 Commission member who voted with the majority or who was not present at the time
15 of the vote, may move for reconsideration of an action at the same or at the next
16 regular meeting of the Planning Commission. A vote of reconsideration requires a
17 majority vote of those Planning Commission members present. A vote for
18 reconsideration shall take place at the same meeting when there is no other business
19 on the floor or at the next regular meeting of the Planning Commission under the
20 Other Business portion of the meeting. A motion for suspension of the rules is not
21 required. After a matter has been reconsidered, it shall not preclude the issue from

1 being raised in the future, but not before the next regular meeting.

2 Section 11. Minutes.

3 A. Recording of Minutes. Minutes are the official record of the Planning
4 Commission meetings. They record the substance of a meeting and are a clear,
5 accurate, concise, informative record of the proceedings. Minutes will generally
6 follow the chronological order of items considered during a meeting. Minutes are not
7 a verbatim transcript, and the meeting does not have to be sound recorded unless
8 otherwise required by law. For practical purposes, however, it is general practice to
9 sound record the meetings of the Planning Commission for back-up reference.
10 Reporting actions taken is the single most important segment of the final minutes.
11 The minutes are to include, at a minimum:

- 12 a) Kind of meeting (regular, special, etc.)
- 13 b) The name of the body meeting (Planning Commission)
- 14 c) Date of the meeting and place where it is held.
- 15 d) Name and title of Chair.
- 16 e) All motions (main, amendments, withdrawals, etc.), with
17 dispositions, with the name of the mover and, if applicable, the name of the Planning
18 Commission member who seconded the motion.
- 19 f) Members present.
- 20 g) Proposals, resolutions, and measures proposed and their
21 disposition.

1 h) Results of all votes and the vote of each member by name,
2 including abstentions.

3 i) The substance of any discussion on any matter.

4 j) The name and city of residence, if available, on any person
5 appearing before the Planning Commisison to offer testimony, and the substance of
6 such testimony.

7 k) Exhibits or written testimony subject to ORS 192.311 to
8 192.338.

9 l) The signature of the individual taking the minutes.

10 m) Signature line for the Chair.

11 B. Distribution of Minutes. Draft minutes are distributed to the Planning
12 Commission with the agenda on which those minutes appear as an item for approval.
13 However, because they are generally completed in draft form prior to distribution of
14 the agenda packets, the draft minutes are available for earlier review should the need
15 arise.

16 C. Correction and Approval of Minutes. Approval of the minutes usually take
17 place at the next regular meeting following the date of the minutes under approval.
18 Generally, minutes appear on the agenda under the Approval of Minutes item. If
19 minor changes are made to the minutes, a Planning Commission member may offer
20 such amendment prior to the minutes being approved. All corrections that appear
21 will appear in the minutes of the meeting when the changes took place. If a member

1 of the Planning Commission is absent from the meeting, such member can announce
2 their absence and abstain from voting for approval of the minutes or they can read the
3 minutes prior to the meeting and vote for approval as part of the minutes approval.
4 When a Planning Commission member is absent and abstains from voting for
5 approval of the minutes, the word “absent” shall be printed in place of a signature.

6 If a Planning Commission member has a concern over the reporting of
7 minutes, it is that Planning Commission member’s responsibility to review the
8 recording of the meeting and bring corrections forward to the Planning Commission
9 at the next regular meeting with the recording cued, ready to be played, if necessary.
10 It is not appropriate to expend staff time when only one member of Planning
11 Commission is requesting the review.

12 D. Reading of Minutes. Unless the reading of the minutes of the previous
13 Planning Commission meeting is requested by a majority of the Planning
14 Commission, such minutes may be approved without reading if copies thereof have
15 been previously furnished to each Planning Commission member.

16 BE IT FURTHER RESOLVED that Resolutions 83-1, 83-2, and R98-2 are
17 hereby repealed in this entirety.

18 BE IT FURTHER RESOLVED that this Resolution shall take effect
19 immediately upon the date of its passage.

20 PASSED this _____ day of _____, 2024.

21

22 SIGNED this _____ day of _____, 2024.

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Chair

City Recorder

Attorney

Keizer City

930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

A BILL

ORDINANCE NO.

20240-_____

FOR

AN ORDINANCE

CREATING A PLANNING COMMISSION;
PROVIDING FOR ITS COMPOSITION AND
ORGANIZATION; PROVIDING ITS POWERS AND
DUTIES; **REPEAL OF ORDINANCES 2020-824**
AND 2023-86783-006, 2013-674, AND 2017-783

The City of Keizer ordains as follows:

Section 1. KEIZER PLANNING COMMISSION; COMPOSITION;
TERMS AND VACANCIES.

A. The Keizer Planning Commission (“Commission”) is hereby created.

The Commission will have the powers and duties hereinafter set forth and such additional powers and duties as may be conferred on such Commission by the constitution and laws of the State of Oregon, by the Charter of the City of Keizer, or by Ordinances, Resolutions, or Orders of the City Council.

B. The commission will consist of seven (7) voting members to be appointed as outlined by the City Council Rules of Procedure. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than one voting member shall be engaged in the same kind of occupation, business, trade, or profession. No more than

1 one member shall be a non-resident of the City of Keizer. No member may serve as
2 a member of the Keizer Budget Committee at the same time. The Mayor will appoint
3 a non-voting Council liaison to the Commission and make such announcement at a
4 regularly scheduled Council meeting. The Council may appoint a non-voting Youth
5 liaison to the Commission pursuant to the City Council Rules of Procedure. The
6 Commission will be staffed by a non-voting staff liaison to be appointed by the City
7 Manager.

8 C. The term of office of the appointed members shall be three years, or
9 until their successors are appointed and qualified. The terms of office for appointed
10 members shall be staggered so that the term of office of not more than three will
11 expire in the same year. ~~No appointive member shall serve more than two~~
12 ~~consecutive terms.~~ Notwithstanding the other provisions of this Section, the term for
13 Commission members appointed previously ~~under Ordinance 83-006~~ shall continue
14 in order to achieve the proper staggering of terms.

15 D. The City Council shall fill any vacancy in the Commission by
16 appointment for the unexpired term of the predecessor in office. ~~Such appointment~~
17 ~~shall not be included for calculation of term limits referenced in Section 1(C).~~

18 E. Prospective members of the Commission may be required to qualify by
19 submitting a written application and/or appearing before the City Council or
20 Volunteer Coordinating Committee for a personal interview. Before entering upon
21 the duties of a Planning Commissioner, each Commission shall take an oath or shall

1 affirm support for the constitution and the laws of the United States and of the State
2 of Oregon and that each Commissioner will faithfully and impartially perform duties
3 of that office.

4 F. The members of the Commission shall receive no compensation, but
5 shall be reimbursed for duly authorized expenses.

6 G. A member of the Commission may be removed by a two-thirds
7 majority vote of the City Council after hearing, for misconduct or nonperformance of
8 duty.

9 Section 2. ORGANIZATION.

10 A. The Commission shall elect a chairman and vice chairman, who shall
11 be members appointed by the City Council and who shall hold office during the
12 pleasure of the Commission.

13 B. Four members appointed by the City Council shall at all times
14 constitute a quorum.

15 C. The Commission shall meet at least once each month and the regular
16 meeting place of the Commission shall be the City Hall. Upon consensus by the
17 Chair, Council liaison and staff liaison ~~a majority vote of the members of the~~
18 ~~Commission present~~, a meeting may be canceled when deemed appropriate. Notice
19 of cancellation shall be posted at City Hall, on the City's web site and social media
20 sites, distributed to members of the media, and to citizens requesting notice. The
21 Commission may hold special meetings as needed in staff's determination for land

1 use applications.

2 D. The Commission may make, establish and alter rules and regulations
3 for its government and procedures consistent with the laws of the State of Oregon
4 and with the Charter and Ordinances of the City of Keizer. Before any rules,
5 amendments or deletions become effective, the Commission must submit them to the
6 City Council for approval.

7 Section 3. MONTHLY REPORT TO COUNCIL. At the regular meeting
8 in October each year, the Commission shall make a rotation schedule of members to
9 appear before the City Council each month. The Commission representative will
10 appear at a City Council meeting during the appointed month to give a verbal report
11 on the transactions of the Commission for the preceding month.

12 Section 4. POWERS AND DUTIES. Except as otherwise provided by the
13 City Council, the Planning Commission may:

14 A. Recommend and make suggestions to the Council and to other public
15 authorities concerning:

16 a. The laying out, widening, extending and locating of public
17 thoroughfares, parking of vehicles, relief of traffic congestion;

18 b. Betterment of housing and sanitation conditions;

19 c. Establishment of districts for limited the use, height, area, bulk
20 and other characteristics of buildings and structures related to land development;

21 d. Protection and assurance of access to incident solar radiation;

1 and

2 e. Protection and assurance of access to wind for potential future
3 electrical generation or mechanical application.

4 B. Recommend to the Council and other public authorities plans for
5 regulating the future growth, development and beautification of the City in respect to
6 its public and private buildings and works, streets, parks, grounds and vacant lots,
7 and plans consistent with future growth and development of the City in order to
8 secure to the City and its inhabitants sanitation, proper service of public utilities and
9 telecommunications utilities, including appropriate public incentives for overall
10 energy conservation and harbor, shipping and transportation facilities.

11 C. Recommend to the Council and other public authorities plans for
12 promotion, development and regulation of industrial and economic needs of the
13 community in respect to industrial pursuits.

14 D. Advertise the industrial advantages and opportunities of the City and
15 availability of real estate within the City for industrial settlement.

16 E. Encourage industrial settlement within the City.

17 F. Make economic surveys of present and potential industrial needs of the
18 City.

19 G. Study needs of local industries with a view to strengthening and
20 developing them and stabilizing employment conditions.

21 H. Do and perform all other acts and things necessary or proper to carry

1 out the provisions of ORS 227.010 to 227.170, 227.175 and 227.180.

2 I. Study and propose such measures as are advisable for motion of the
3 public interest, health, morals, safety, comfort, convenience and welfare of the City
4 and of the area within six miles thereof.

5 J. For the purposes of this Section:

6 a. "Incident solar radiation" means solar energy falling upon a
7 given surface area.

8 b. "Wind" means the natural movement of air at an annual average
9 speed measured at a height of 10 meters of at least eight miles per hour.

10 Section 5. REPEAL OF ORDINANCES NO. 2020-824 and 2023-86783-
11 006, 2013-674, AND 2017-783. Ordinance No. 2020-82483-006 (Ordinance
12 Creating a Planning Commission; Providing for its Composition and Organization;
13 Proving its Powers and Duties), Ordinance No. 2013-674 (Amending the Ordinance
14 Creating a Planning Commission), and Ordinance No. 2023-8672017-783
15 (Amending the Ordinance Creating a Planning Commission) are hereby repealed in
16 their entireties upon the effective date of this Ordinance.

17 Section 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
18 days after its passage.

19 PASSED this _____ day of _____, 20240.

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21 SIGNED this _____ day of _____, 20240.

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Mayor

City Recorder

PLANNING COMMISSION, CITY OF KEIZER, STATE OF OREGON

Resolution 83-1

IN THE MATTER OF ADOPTING "RULES OF THE
COMMISSION"

It appearing that the Planning Commission may make,
establish and alter rules for its government and procedure
with the approval of the City Council; and

It further appearing to the Planning Commission
that it is appropriate and necessary to adopt rules to govern
its meetings, business and members;

It further appearing to the Planning Commission that
the City Council has approved the following rules for adoption
by the Planning Commission; it is therefore

RESOLVED by the Keizer Planning Commission that the
following rules and regulations are hereby adopted by the
Commission for the proper conduct, order and government of its
meetings, business, and members, the same to be known as the
"Rules of the Commission" and any and all previously adopted
rules be and the same are hereby repealed.

RULE 1

OFFICERS

At the regular meeting in October, the Commission
shall elect a chairman and a vice chairman from its appointive
membership, each of whom shall serve for a one year term, ending
at the adjournment of the regular October meeting, or until a
successor is elected.

RULE 2

OFFICERS PRO TEM

In the case of the absence of both the chairman and the vice chairman at any meeting, a quorum being present, the office of either or both of them shall be filled pro tem from the commissioners present and the business transacted as though the regular officers were present.

RULE 3

MEETINGS OF THE COMMISSION

Regular meetings of the Commission are to be held on the Third Wednesday of each month. Meetings shall be convened at 7:30 p.m. at the City Hall, or if the City Hall shall be unavailable, at some other suitable place designated by the chairman. Meetings shall adjourn prior to 11:30 p.m.

Special meetings may be called by the chairman, or in the chairman's absence, by the vice chairman, or at the request of a majority of the members; provided that notice of such special meeting so called shall be given each member of the commission.

Attendance of commissioners at duly convened meetings of the commission is mandatory. Any commissioner absent without excuse by the chairman from three or more meetings within any six month period is subject to sanctions as provided in this section. The chairman may excuse any commissioner from attendance at a meeting for a good cause. A commissioner denied excuse may appeal the ruling of the chair at the next meeting at which he or she is present. Sanctions available to the commission for

excessive unexcused absences shall include censure, or recommendation to the mayor and council that the offending commissioner be removed from office, either of which may be imposed by a majority vote of the commission, a quorum being present. The accused commissioner may speak in his or her own behalf, but shall not vote on the question of the sanction.

RULE 4

ORDER OF BUSINESS

The general order of business on the regular session agenda shall be as follows:

1. Roll call.
2. Approval of the adjustments, resolutions, minutes and reports.
3. Communications from the council.
4. Appearance of interested citizens.
 - (a) Time for this item not to exceed 30 minutes.
 - (b) Each speaker is to be limited to 5 minutes.
 - (c) Additional time for this item will be the final agenda item if needed.
5. Public hearings.
6. Work sessions.
7. Report of officers.
8. Additional agenda items.
9. Continuation of item 4, if needed.

The order of business may be modified by the members of

the commission when such a change will make a more logical sequence of subjects for consideration by the commission.

RULE 5

DISQUALIFICATION OF COMMISSION MEMBERS

A member of the commission shall not participate in discussion of the proposal and shall refrain from voting on the same when:

1. Any of the following persons has a direct or substantial financial interest: the commissioner, or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business which he or she is then serving or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
2. The commissioner owns property within the affected area of the proposal;
3. The commissioner has a direct or indirect personal interest in the proposal; or,
4. The commissioner was not present during the public hearing on the proposal; provided, however, if said commissioner reviewed the evidence presented at the hearing including tape recordings of the proceedings and declares such fact for the record, the commissioner may participate in discussing and vote on the matter.

Members of the commission shall reveal any employment or service within the previous two years for a business which has a direct or substantial financial interest in the proposal, and any significant pre-hearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have impaired a commission member's impartiality or ability to vote on the matter, he or she shall so state and shall abstain therefrom.

RULE 6

MOTION AND VOTING

The chairman may require that any motion or amendment to a motion be reduced to writing by the moving party before a vote is taken.

The chairman of the commission, or the presiding officer, if another commissioner presides, shall vote with the other commissioners in the transaction of any business and on all matters coming before the commission.

When a question is taken, an appointive member shall vote unless a majority of the commission, for a special reason, shall excuse him or where he has declared a conflict of interest which would clearly prohibit him from voting by these rules. Two members may demand the ayes and noes on any question. Unless otherwise provided in these rules, the majority vote of the members voting shall decide the question.

RULE 7

RECONSIDERATION

When a question has been put once and decided, and before

the action becomes effective or before the City Council of Keizer has taken jurisdiction, it shall be in order for any member who voted with the majority to move for reconsideration thereof, and such motion shall take precedence over all other questions, except a motion to adjourn. No motion shall be considered more than once.

RULE 8

MINUTES

The chairman shall cause minutes of the commission meetings to be taken and expeditiously presented to the commission for approval.

All motions, orders, resolutions, petitions, communications, and other documents coming before the commission for consideration at a meeting shall be referenced in the minutes and kept on file as public records of the commission by the city recorder.

RULE 9

ROBERT'S RULES OF ORDER

In cases not provided for by these rules, the commission shall be governed by the law and practice laid down in Robert's Rules of Order Revised.

RULE 10

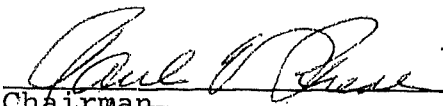
SUSPENSION AND AMENDMENT OF RULES

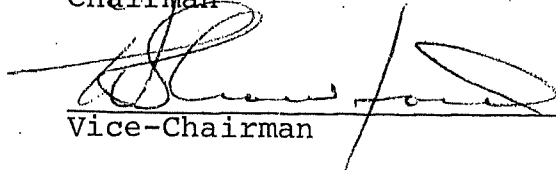
No rules shall be suspended without the concurrence of two-thirds of the members present; and no additional rule or

amendment shall be made without giving at least 10 days notice
and the concurrence of two-thirds of the members present.

Passed this 21st day of September, 1983.

Signed this 27th day of September, 1983.


Chairman


Vice-Chairman

PLANNING COMMISSION, CITY OF KEIZER, STATE OF OREGON

Resolution 83-2

IN THE MATTER OF ADOPTING RULES OF PROCEDURE FOR
PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION.

IT APPEARING that the Planning Commission may make,
establish and alter rules for its government and procedure
with the approval of the City Council; and

IT FURTHER APPEARING to the Planning Commission that it
is appropriate and necessary to adopt uniform rules to govern
public hearings before the Commission, and the Commission being
fully advised in the premises;

IT FURTHER APPEARING that the City Council has
approved the following rules for adoption by the Planning
Commission; it is therefore

RESOLVED that the hereinafter rules for public hearing
be, and they are hereby adopted by the Planning Commission of the
City of Keizer.

1. The chairman of the Planning Commission, or a
Commissioner to be designated by the Chairman, shall be the
presiding officer. In the absence of the Chairman the Vice
Chairman, or a Commissioner to be designated by the Vice Chairman
shall be the presiding officer.

2. First, the presiding officer shall request a
representative of the city or its designee or agent to present
the application and any staff report together with any petitions,
letters, or written comments on the matter.

3. Second, the applicant or its representative shall
present its evidence.

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4. Third, anyone in attendance who wishes to present evidence in favor of the application may do so.

5. Fourth, anyone who wishes to present evidence in opposition to the application may do so.

6. Fifth, anyone in attendance who wishes to make general comments on the application may do so.

7. Finally, the applicant or its representative may present rebuttal.

8. The following time limits shall be allowed for oral testimony and the presiding officer shall announce the time limits prior to opening the meeting to the particular items on the agenda to which the time limit applies.

Proponent's case: 15 minutes total for presentation
by all applicants and/or their
representatives

All others: 5 minutes each

Rebuttal: 10 minutes total

The presiding officer may further limit testimony if a speaker persists in being disorderly, abusive, or in presenting irrelevant evidence, statements or exhibits following a warning to that effect from the presiding officer.

9. Any person attending a hearing has the right to be represented by an attorney. Upon being recognized by the presiding officer, any member of the Commission or city attorney may question or cross-examine any speaker. Any person in attendance may present questions in writing to the presiding officer or designated representative who may request an answer to such questions from any speaker.

10. All hearings are to be recorded. Each speaker will first give name and address, and if applicable, the party represented.

11. The presiding officer shall either close the hearing or continue it to a date and time certain for presentation of further evidence or argument.

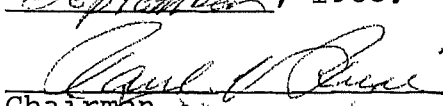
12. Upon closing the hearing, the Commission shall at some later time deliberate on the matter. During deliberations, the Commission may request advice from city staff as to the consequences and implications of the new proposal or alternatives thereto based upon the facts presented during the hearing.

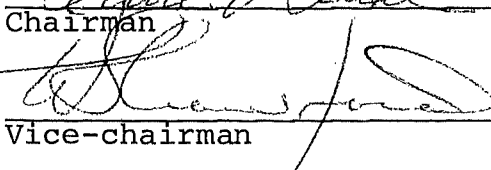
13. If it appears that substantial new factual material is necessary to a decision on the matter, the Commission may by majority vote, order the hearing reopened or refer the matter to a hearing before the City Hearings Officer or the City Council for further development of the record. In either case, new notice shall be given.

This resolution shall take effect upon its passage.

Passed this 21st day of September, 1983.

Signed this 27th day of September, 1983.


Chairman


Vice-chairman

1 PLANNING COMMISSION, CITY OF KEIZER, STATE OF OREGON

2 Resolution R98- 2

3 IN THE MATTER OF AMENDING THE "RULES OF THE
4 COMMISSION"; AMENDING PLANNING COMMISSION
5 RESOLUTION 83-1

6 WHEREAS, the Keizer Planning Commission at its regular April 8, 1998 meeting
7 directed staff to prepare a Resolution amending the rules of the Commission;

8 NOW, THEREFORE, BE IT RESOLVED by the Keizer Planning Commission that
9 the Planning Commission Rules are amended as follows:

10 Section 1. MEETING TIMES AND DATES. Rule 3 is amended by changing the
11 meeting time and date to the second Wednesday of each month at 7:00 p.m.

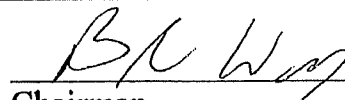
12 Section 2. UNEXCUSED ABSENCES. Rule 3 is hereby amended with regard
13 to unexcused absences at the third paragraph, second sentence to read as follows:

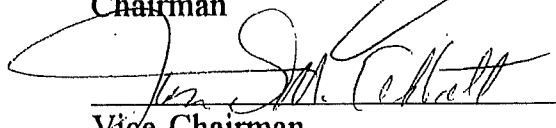
14 Any Commissioner absent without excuse by the chairman from three or
15 more meetings within any calendar year is subject to sanctions as provided in
16 this section.

17 Section 3. AMENDMENT OF RESOLUTION 83-1. Resolution 83-1 (Planning
18 Commission Rules) is amended as set forth above.

19 PASSED this 10th day of June, 1998.

20 SIGNED this 10th day of June, 1998.

21 
22 Chairman

23 
24 Vice-Chairman

A BILL

ORDINANCE NO.

2020- 824

FOR

AN ORDINANCE

CREATING A PLANNING COMMISSION; PROVIDING
FOR ITS COMPOSITION AND ORGANIZATION;
PROVIDING ITS POWERS AND DUTIES; **REPEAL OF
ORDINANCES 83-006, 2013-674, AND 2017-783**

The City of Keizer ordains as follows:

Section 1. KEIZER PLANNING COMMISSION; COMPOSITION; TERMS
AND VACANCIES.

A. The Keizer Planning Commission ("Commission") is hereby created. The Commission will have the powers and duties hereinafter set forth and such additional powers and duties as may be conferred on such Commission by the constitution and laws of the State of Oregon, by the Charter of the City of Keizer, or by Ordinances, Resolutions, or Orders of the City Council.

B. The Commission will consist of seven (7) voting members to be appointed as outlined by the City Council Rules of Procedure. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than one voting member shall be engaged in the same kind of occupation, business, trade, or profession. No more than one member shall be a non-

1 resident of the City of Keizer. The Mayor will appoint a non-voting Council liaison to
2 the Commission and shall make such announcement at a regularly scheduled Council
3 meeting. The Council may appoint a non-voting Youth liaison to the Commission
4 pursuant to the City Council Rules of Procedure. The Commission will be staffed by a
5 non-voting staff liaison to be appointed by the City Manager.

6 C. The term of office of the appointed members shall be three years, or until
7 their successors are appointed and qualified. The terms of office for appointed members
8 shall be staggered so that the term of office of not more than three will expire in the same
9 year. No appointive member shall serve more than two consecutive terms.
10 Notwithstanding the other provisions of this Section, the term for Commission members
11 appointed previously under Ordinance 83-006 shall continue in order to achieve the
12 proper staggering of terms.

13 D. The City Council shall fill any vacancy in the Commission by appointment
14 for the unexpired term of the predecessor in office. Such appointment shall not be
15 included for calculation of term limits referenced in Section 1(C).

16 E. Prospective members of the Commission may be required to qualify by
17 submitting a written application and/or appearing before the City Council or Volunteer
18 Coordinating Committee for a personal interview. Before entering upon the duties of a
19 Planning Commissioner, each Commission shall take an oath or shall affirm support for
20 the constitution and the laws of the United States and of the State of Oregon and that
21 each Commissioner will faithfully and impartially perform duties of that office.

1 F. The members of the Commission shall receive no compensation, but shall
2 be reimbursed for duly authorized expenses.

3 G. A member of the Commission may be removed by a two-thirds majority
4 vote of the City Council after hearing, for misconduct or nonperformance of duty.

5 Section 2. ORGANIZATION.

6 A. The Commission shall elect a chairman and vice chairman, who shall be
7 members appointed by the City Council and who shall hold office during the pleasure of
8 the Commission.

9 B. Four members appointed by the City Council shall at all times constitute a
10 quorum.

11 C. The Commission shall meet at least once each month and the regular
12 meeting place of the Commission shall be the City Hall. Upon a majority vote of the
13 members of the Commission present, a meeting may be canceled when deemed
14 appropriate. Notice of cancellation shall be posted at City Hall, on the City's web site
15 and social media sites, distributed to members of the media, and to citizens requesting
16 notice.

17 D. The Commission may make, establish and alter rules and regulations for its
18 government and procedures consistent with the laws of the State of Oregon and with the
19 Charter and Ordinances of the City of Keizer. Before any rules, amendments or
20 deletions become effective, the Commission must submit them to the City Council for
21 approval.

1 Section 3. MONTHLY REPORT TO COUNCIL. At the regular meeting in
2 October each year, the Commission shall make a rotation schedule of members to appear
3 before the City Council each month. The Commission representative will appear at a
4 City Council meeting during the appointed month to give a verbal report on the
5 transactions of the Commission for the preceding month.

6 Section 4. POWERS AND DUTIES. Except as otherwise provided by the
7 City Council, the Planning Commission may:

8 A. Recommend and make suggestions to the Council and to other public
9 authorities concerning:

10 a. The laying out, widening, extending and locating of public
11 thoroughfares, parking of vehicles, relief of traffic congestion;

12 b. Betterment of housing and sanitation conditions;

13 c. Establishment of districts for limited the use, height, area, bulk and
14 other characteristics of buildings and structures related to land development;

15 d. Protection and assurance of access to incident solar radiation; and

16 e. Protection and assurance of access to wind for potential future
17 electrical generation or mechanical application.

18 B. Recommend to the Council and other public authorities plans for
19 regulating the future growth, development and beautification of the City in respect to its
20 public and private buildings and works, streets, parks, grounds and vacant lots, and plans
21 consistent with future growth and development of the City in order to secure to the City

1 and its inhabitants sanitation, proper service of public utilities and telecommunications
2 utilities, including appropriate public incentives for overall energy conservation and
3 harbor, shipping and transportation facilities.

4 C. Recommend to the Council and other public authorities plans for
5 promotion, development and regulation of industrial and economic needs of the
6 community in respect to industrial pursuits.

7 D. Advertise the industrial advantages and opportunities of the City and
8 availability of real estate within the City for industrial settlement.

9 E. Encourage industrial settlement within the City.

10 F. Make economic surveys of present and potential industrial needs of the
11 City.

12 G. Study needs of local industries with a view to strengthening and
13 developing them and stabilizing employment conditions.

14 H. Do and perform all other acts and things necessary or proper to carry out
15 the provisions of ORS 227.010 to 227.170, 227.175 and 227.180.

16 I. Study and propose such measures as are advisable for motion of the public
17 interest, health, morals, safety, comfort, convenience and welfare of the City and of the
18 area within six miles thereof.

19 J. For the purposes of this Section:

20 a. "Incident solar radiation" means solar energy falling upon a given
21 surface area.

1 b. “Wind” means the natural movement of air at an annual average
2 speed measured at a height of 10 meters of at least eight miles per hour.

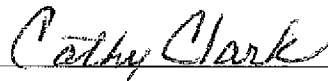
3 Section 5. REPEAL OF ORDINANCES NO. 83-006, 2013-674, AND 2017-
4 783. Ordinance No. 83-006 (Ordinance Creating a Planning Commission; Providing for
5 its Composition and Organization; Proving its Powers and Duties), Ordinance No. 2013-
6 674 (Amending the Ordinance Creating a Planning Commission), and Ordinance No.
7 2017-783 (Amending the Ordinance Creating a Planning Commission) are hereby
8 repealed in their entirety upon the effective date of this Ordinance.

9 Section 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
10 after its passage.

11 PASSED this 5th day of October, 2020.

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13 SIGNED this 5th day of October, 2020.

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Mayor



City Recorder

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A BILL

ORDINANCE NO.

2023- 867

FOR

AN ORDINANCE

AMENDING THE ORDINANCE CREATING A PLANNING
COMMISSION; **AMENDING ORDINANCE NO. 2020-824;**
DECLARING AN EMERGENCY

The City of Keizer ordains as follows:

Section 1. AMENDMENT OF ORDINANCE NO. 2020-824. Ordinance No.
2020-824 (An Ordinance Creating a Planning Commission; Providing for its
Composition and Organization; Providing its Power and Duties) is hereby amended at
Section 1(B) as follows:

B. The commission will consist of seven (7) voting
members to be appointed as outlined by the City Council Rules
of Procedure. No more than two voting members shall be
engaged principally in the buying, selling or developing of real
estate for profit as individuals, or be members of any
partnership, or officers or employees of any corporation, that
engages principally in the buying, selling or developing of real
estate for profit. No more than one voting member shall be
engaged in the same kind of occupation, business, trade, or
profession. No more than one member shall be a non-resident
of the City of Keizer. No member may serve as a member of
the Keizer Budget Committee at the same time. The Mayor will
appoint a non-voting Council liaison to the Commission and
make such announcement at a regularly scheduled Council
meeting. The Council may appoint a non-voting Youth liaison
to the Commission pursuant to the City Council Rules of
Procedure. The Commission will be staffed by a non-voting
staff liaison to be appointed by the City Manager.

Section 2. TERMS. The terms of the current Planning Commission members shall continue without change.

Section 3. EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

PASSED this 17th day of July, 2023.

SIGNED this 17th day of July, 2023.


 Mayor


 City Recorder

SECTION 10 – PUBLIC HEARINGS

10.1 Public Hearings - A public hearing shall be held on each matter required by state law, City policy or as directed by the City Council. The Presiding Officer shall preside over the hearing and announce the type of hearing and the guidelines for the hearing. The Presiding Officer shall declare the hearing to be open and invite the City Manager or member of the staff to present the staff report together with any petitions, letters, or written comments on the matter.

10.2 Testimony for Non-Land Use Hearings – Members of the audience may present oral testimony on the matters scheduled for public hearing. The Presiding Officer will call forth members of the audience who have signed up to present testimony under the guidelines specified at the opening of the hearing. If appropriate, the Presiding Officer may first ask those persons in favor of the matter to come forward, with those speaking in opposition coming after.

Except as stated otherwise, all testimony will be limited to five minutes per person. The Presiding Officer may further limit testimony if a speaker persists in being threatening and disorderly, or abusive, following a warning to that effect from the Presiding Officer. Upon being recognized by the Presiding Officer, any member of the Council or the City staff may ask questions of any speaker, subject to the same provisions set forth in Section 9.1(E). Upon closure of the hearing, no further testimony will be allowed unless the Council allows written testimony to be submitted by a date certain.

10.3 Quasi-Judicial Land-Use Proceedings –

A. Scope of Review. All quasi-judicial land use proceedings shall be new (de novo).

B. Conflicts of Interest.

1. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter.

b. The member was not present during the public hearing; provided however, the member may participate and vote if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

C. Ex Parte Contacts/Bias

1. Members of the Council shall reveal the nature of any ex parte

contacts or bias with regard to the proceeding at the commencement of any quasi-judicial land use proceeding.

If such contact/bias impairs the member's impartiality, the member shall state this fact and abstain from participation and voting in the matter.

D. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

1. The decision of the Council shall be based on the applicable standards and criteria as set forth in the City's Development Code, the City's Comprehensive Plan, and, if applicable, any other land use standards and criteria imposed by state law or administrative rule.

2. The proponent, any opponents, and/or City staff may submit to the Council a set of proposed written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:

1. Land Use Hearing Disclosure Statement. The City Attorney shall read the land use hearing disclosure statement, which shall include:

- a. A list of the applicable criteria;

- b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;

- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and

- d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. Call for ex parte contacts/bias/conflict of interest. The City Attorney shall inquire whether any member of the Council has had ex parte contacts, has bias, or has an actual or potential conflict of interest. Any member of the Council announcing an ex parte contact or conflict shall state for the record the nature of

the contact or conflict. See Section 10.3(B) and (C).

3. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.

4. Presentation of the Case.

- a. Applicant's case. Twenty minutes total.
- b. Persons in favor. Five minutes per person.
- c. Persons opposed. Five minutes per person.
- d. Other interested persons. Five minutes per person.
- e. Rebuttal. Ten minutes total. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters which were introduced during the hearing by parties other than the applicant.

5. Close of hearing. Subject to state law, the Presiding Officer shall close the hearing if there are no further questions from Council. The Record may be left open pursuant to state law. The timeframe for submittals to the Record shall be clearly announced prior to close of the hearing.

6. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

7. Findings and Order/Ordinance. The Council shall approve or deny the application.

- a. The Council shall adopt findings to support its decision.
- b. The Council may incorporate findings proposed by the applicant, the opponent or staff in its decision.

F. Continuances. Council shall grant continuances as required by state law. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance requested by the applicant shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

10.4 Legislative Land Use Matters –

A. Hearings Procedures. The order of procedures for hearings on legislative land

use matters shall be:

1. Call for abstentions. Inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
 - a. Persons in favor. Five minutes per person.
 - b. Persons opposed. Five minutes per person.
 - c. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for written materials allowed by Council to be submitted prior to the close of the Record.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to adoption of an Ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

10.5 Attorney Representation – Any person attending a hearing has the right to be represented by an attorney.

10.6 Appeal Fee – An appeal fee established by the City Council shall be required to defray costs incidental to the proceedings and shall be paid at the time of filing an appeal. The appeal fee shall be determined by the City Council.