



**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, September 14, 2011 @ 6:00 p.m.
Keizer Civic Center**

CALL TO ORDER

Chair Greg Rands called the meeting to order at 6:06 pm.

ROLL CALL

Commissioners Present:

Greg Rands, Chair
Jim Jacks, Vice Chair
John Rizzo
Jared Choc
Doug Schneider
Albert Castaneda
David McKane, Council Liaison

Absent:

Jonathan Thompson

Staff Present:

Nate Brown, Community Development Director
Sam Litke, Senior Planner
Debbie Lockhart, Deputy City Recorder

APPROVAL OF MINUTES ~ Commissioner Schneider moved to approve the August 2011 Minutes. Commissioner Rizzo seconded. Motion passed as follows: Rands, Jacks, Rizzo, Schneider and Choc in favor with Castaneda abstaining and Thompson absent.

APPEARANCE OF INTERESTED CITIZENS ~ None.

PUBLIC HEARING: Development Code Text Amendment Section 2.4307: Home Occupations

Commissioner Rands opened the Public Hearing

Senior Planner, Sam Litke, reported that the city has a number of home occupations in residential neighborhoods and occasionally, because of noisy equipment, construction, or congregating of landscape crews, Code Enforcement gets complaints and this has provoked review of City regulations. It is not the City's intent to prevent home occupations but to make certain parts of the Code more understandable for citizens and staff. He asked Commission to consider whether or not they felt a permit or business license should be required for better tracking but cautioned the Commission that there are many home occupations in Keizer and administration of a permit process would be difficult with the limited staff available.

He noted that the businesses should be compatible with the neighborhood and that the Police Department would handle violations of the noise ordinance. Existing language of the Code allows only up to 500 square feet of office space in a home and this could be changed to a ratio if Commission desired, with the goal to assure that the property is not primarily a business structure. Mr. Litke reviewed various sections asking Commission assistance to develop clear, concise wording, and noted that rather than have a list of

prohibited/allowed businesses, staff would prefer something that would indicate that if a home occupation can meet the standards it would be allowed.

City Attorney Shannon Johnson provided input regarding square footage allowed suggesting that perhaps "500 square feet or one-half of the total square footage of the residence, whichever is less" would be appropriate. Community Development Director Nate Brown explained that the intent of this regulation is to make sure the home occupations are incidental or subordinate to the residence.

Discussion then took place regarding the square footage, including the garage and accessory structures in the equation, multiple businesses within the home, auto dealerships, vehicle repair, limiting the square footage for home occupations, regulation of parking of business vehicles, and eliminating discretionary language to avoid the necessity of having to issue permits.

Commissioner Jacks voiced support for initiating a permit or business license with the understanding that home occupations already in place would be grandfathered in and not be required to go through the process. Commissioner Rizzo voiced opposition to requiring a permit at this time due to the current difficult economical times and lack of administrative staffing.

Regarding Section F Commissioners suggested that "residential character" is subjective and should be defined or perhaps the section could read "consistent with Design Standards".

It was suggested that Section G be reworded to "one vehicle plus a trailer will be allowed" or "no more than one vehicle dedicated to the business will be allowed at the residential site"; and the remainder of the verbiage be deleted. Lengthy discussion took place regarding this section.

Following further discussion, Commissioners agreed by consensus to leave the Public Hearing open and continue discussion in October asking staff to rework some verbiage according to what had been discussed.

NEW BUSINESS ~ Mr. Brown explained that he hoped to discuss goals that have been achieved and new goals at the October meeting; staff will prepare a list for Commission review.

OLD BUSINESS ~

Area C at Keizer Station: Mr. Brown reported that the City had filed a notice under Council direction to appeal the LUBA decision to remand Area C back to Council based on points that the Council has authority to interpret its own Code and the issue about concurrency. He noted that in reality there are two different kinds of construction involved; one tilt-up and the other very specialized so there are many variables. A Notice of Intent of Appeal has been filed with the Circuit Court of Appeals and Mr. Johnson is now preparing his brief which has to be filed in two weeks with the oral arguments taking place in November and a decision shortly thereafter. Mr. Brown added that the premise is that for anyone to expect two different kinds of development to be started, constructed and occupied at the same time is unreasonable and inappropriate and there is strong case law to support this.

Urban Chickens: Commissioner Rizzo distributed an article from the Oregon Business Journal reporting that a woman has started a "chicken sitting" business. Mr. Brown added that Chicken Permits would be available on September 15.

KURB REPORT ~ Commissioner Schneider reported that KURB had reviewed options to recommend to the Urban Renewal Agency regarding partnering with the Transit District for tourist facilities and also for funding improvements to lease space at Keizer Station for tourist facilities. Board voted not to fund anything. Commissioner Rands thanked Commissioner Schneider for his years of dedicated service noting that this was Commissioner Schneider's last meeting.

COUNCIL LIAISON REPORT ~ Councilor McKane reported that

- Council had voted to move forward and allow a Charter amendment for imposition of a safety communications fee on water bills to be placed on the November ballot. This would result in a fee of just under \$5 per month dedicated to be shared between Keizer Police, Keizer Fire and Marion County Fire to help offset the cost of 911 services.
- Two Council meetings included the public hearing for the Fire District request to withdraw Clearlake from Marion County Fire District and allow Keizer Fire District to annex that area. The arguments were long and contradictory and in the end Council voted to remove Clearlake from Marion County and begin the process to give it to Keizer Fire. The ordinance did not pass unanimously so will be addressed at the next meeting and if it passes the process of removal and annexation will begin. It will go to an election but it is unclear who will be voting. Marion County Fire District has filed a judgment act at Circuit Court to determine if the City has authority to do this.

COUNCIL REPRESENTATIVE ~ Albert Castaneda will report at the September Council meeting.

ADJOURN ~ The meeting adjourned at 8:20 p.m.

Next Meeting: October 12, 2011

Minutes approved: 10-12-11