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KEIZER PLANNING COMMISSION

**Wednesday, May 8, 2024, 6:00 PM
Keizer Civic Center**

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. March 2024

3. VOLUNTEER APPRECIATION ~ EMERSON CARELLA

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.

a. Written Comment - Michael De Blasi

5. PUBLIC HEARING:

a. Text Amendment Case 2024-06: Proposed Changes to multiple sections of the Keizer Development Code (KDC) regarding Planning Commission Decisions

b. Text Amendment Case 2024-06: Proposed Change to reduce setback requirements along Collector and Arterial streets

c. Text Amendment Case 2024-06: Proposed Change to increase allowed square footage for an Accessory Structure

6. NEW-OLD BUSINESS/STAFF REPORT

7. COUNCIL REPRESENTATIVE

8. NEXT MEETING: JUNE 12TH

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, March 13, 2024
Keizer Civic Center

1. **CALL TO ORDER** **CALL TO ORDER:** Chair Matt Lawyer called the meeting to order at 6:06 pm.

ATTENDANCE:

Present:

Matt Lawyer, Chair
Sara Hutches, Vice Chair
Jeremy Grenz
Ron Bersin
Fernando Lopez
Robb Witters
Angelica Sarmiento
Avendano

Council Liaison Present:

Councilor Juran

Staff Present:

Shane Witham, Planning Director
Dina Horner, Assistant Planner
Joseph Lindsay, City Attorney
Dawn Wilson, Deputy City Recorder

Absent:

Mo Avishan

2. **APPROVAL OF MINUTES**

- a. **February Minutes** Commissioner Sara Hutches moved for approval of the February 2024 Minutes as presented. Commissioner Fernando Lopez seconded. Motion passed unanimously as follows: Lawyer, Bersin, Grenz, Hutches, Witters, and Lopez in favor and Avishan absent.

3. **APPEARANCE OF INTERESTED CITIZENS**

None.

4. **NEW-OLD BUSINESS/STAFF REPORT**

- a. **Discussion on
Previously
Proposed Text** Planning Director Shane Witham summarized the staff report, which is being brought back from the September meeting. In September, there were two text amendments with proposed changes and those changes could be

Amendments to Expand the Role of the Planning Commission to include approval of Conditional Use Permits and Variances.

accepted to move forward with notice requirements. The second option would be for the Planning Commission to make a motion to withdraw the previous work if they're not interested in making legislative changes.

City Attorney Joseph Lindsay said that if a motion is made, it would go to the City Council to decide on the Planning Commission's decision.

Planning Director Shane Witham stressed that there isn't a right or wrong way for the Planning Commission to proceed. It's about what the Planning Commission determines if they want to do something more or continue doing the things they have been doing.

City Attorney Lindsay clarified that the Planning Commission could make a consensus to suspend the rules and then make a motion to withdraw.

Commissioner Grenz asked about the number of applications. Mr. Witham said that there's a variance application and the first one for this year. There's also a conditional use permit for a sign. Last year, the City had two applications.

Commissioner Witters asked about the difference between a variance and a conditional use. Mr. Witham explained that variance is an exception to a standard in the Code. The most common standards are setbacks or heights. A conditional use is a use that's allowed but with conditions set by the City.

Chair Lawyer asked for clarification about the setback of 10 feet. Mr. Witham said that a 10-foot various could come in at 8 feet.

Commissioner Grenz had concern for applicant consistency to be able to talk with the Planning Department. He wants to ensure that applications with appropriate findings should be supported. The discussion tonight should be focused on the discretion of variances and conditional uses.

Commissioner Bersin agrees that the Planning Commission should hear applicants in a formal setting.

Commissioner Witters agrees that these types of decisions before the Commission creates transparency.

Commissioner Lopez said he isn't comfortable speaking in public, so he wonders if this would be discouraging to some persons moving forward with having something done to their property.

Mr. Witham explained that the application process is based upon providing excellent customer service, so the Planning Department would work with the applicants to try and have them provide the necessary criteria rather than denying the applications.

Chair Lawyer commented that the Planning Commission had been flexible in the past. If the Planning Department asked for the Planning Commission to consider a decision, they should be available.

Commissioner Hutches agrees the Members that it's worth exploring.

Chair Lawyer commented that this body did very good work with the variance. This body hasn't ever seen Master Plans and would like to see that amendments to Master Plans come to the Planning Commission before it goes to the Council. He agrees that minor variances are not necessary to come to the Planning Commission. This gives the Commission an opportunity to support staff and the community.

Discussion ensued around staffs recommendation based upon findings and the Planning Commission's role to make a decisions for changes. Minor variances would be appealed to a Hearing's Officer. The Planning Commission appeal would go to the City Council.

Councilor Grenz asked about minor and major variances at the same time. Mr. Witham stated that staff would need to parce them out before going to the Planning Commission.

City Attorney Lindsay said that the Commission could say that major and minor variances would need to go together to the Planning Commision.

Discussion ensued about having an option to amend Master Plans. Mr. Witham stated that several Master Plans and amendments could go to the Planning Comission before City Council, which would be an easy change.

CONCENSUS:

Chair Lawyer clarified that the consensus was for minor variances to be a staff-level decision appealable to the Planning Commission instead of the Hearings Officer, a minor variance that comes with a major variance would be treated as a major with the highest level of review--and would bring on major variances, conditional uses, and master plans amendments.

Mr. Witham would have a packet with the changes for the Public Hearing at the May meeting.

b. Discussion on Accessory Dwelling Units (ADU), Garages & Out-buildings to have the same 750 square footage.

Commissioner Bersin would like the square footage to be the same.

Mr. Witham explained that the current Code states that outbuildings are limited to 600 square feet. If there's no garage, then the Code allows the 750 square footage for the Accessory Dwelling Unit (ADU) and a detached garage. If they are stacked, then there is a difference in square footage.

Chair Lawyer supports the proposed concept. Councilor Juran said that the Commission's historical element of the 600 square feet was supported the last time a change was considered.

Mr. Witham stated that the Planning Commission could make text amendment changes to the accessory structures.

Discussion ensued about placing conditions upon ADU's and structures. It was noted that height and setback requirements for an accessory structure would be on a sliding scale.

Chair Lawyer received a consensus for this item to come back to the Planning Commission with text amendment changes to consider a change from 750 square feet for accessory structures.

5. COUNCIL LIAISON REPORT

City Attorney Lindsay reported on the Climate-Friendly and Equitable Communities. He said there was an opinion rendered by the Court of Appeals and was a pretty limited win on the part of people who were challenging the rules. The scariest portion of the rules were that they could invalidate the acknowledgment of the Transportation System Plan. It was held by the court to exceed their statutory authority, and the Court of Appeals didn't want to challenge their general rule-making. The Cities may want to ask for more.

Councilor Juran reported that the City Council swore in the new Police Officer Jesse White who was from Keizer. The City Council had a Public Hearing on regulating towed vehicles on private property. The Council had a Work Session with the Community Diversity Community Engagement Committee (CDEC) and the CDEC talked about their accomplishments over the last three years as a Committee.

Youth Liaison Angelica Sarmiento Avendano shared that McNary High School's Spring courts are in full effect. They have tennis, baseball, and softball. They had an Orchestra Festival and more music would be coming up.

6. COUNCIL REPRESENTATIVE:

**Ron Bersin ~
March 18th Council
Meeting**

7. NEXT MEETING: The Commission agreed to cancel the April 10th meeting to allow staff time to do the work to bring the text amendments forward.
April 10th

8. ADJOURNMENT Meeting adjourned: 7:31 p.m.

Minutes approved: 05/08/2024

“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.”



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THE POWER OF URBAN TREES

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To: Planning Commission

From: Shane Witham, Planning Director

Subject: Text Amendment Case 2024-06 - Conditional Use and Variance Decisions by Planning Commission

Proposed Motion

I move the Planning Commission to recommend approval of the proposed text amendments to City Council with changes as discussed, along with any other identified changes necessary for consistency within the Keizer Development Code.

I. Summary

Text amendments are proposed to multiple sections of the Keizer Development Code which will result in the Planning Commission making decisions for Major Variances, most Conditional Use Permits, and Master Plan Amendments. The following sections are proposed to be changed and are attached for your reference, along with a chart showing the total number of land use cases over the last five years that would be affected by these proposed changes:

- Section 2.429 Transit Station (scrivener's error)
- Section 2.431 Nursing and Personal Care Facilities (scrivener's error)
- Section 3.101 Summary of Application Types
- Section 3.103 Conditional Use Permits
- Section 3.105 Variances – Minor and Major
- Section 3.113 Keizer Station Master Plan
- Section 3.201 General Provisions
- Section 3.202 General Procedures Types I, II, and III Actions
- Section 3.204 Public Notice Requirements
- Section 3.205 Public Hearing Before the Hearing Officer or Planning Commission
- Section 3.207 Appeal Provisions

Staff encourages the Planning Commission to consider whether the Commission would be interested in making final decisions on both Minor and Major Variances, instead of just the Major Variances as proposed in the draft language. As the land use chart demonstrates, there is not a large number of Variance or Conditional Use requests, and due to subjectivity in the decision making process, it may be appropriate for Planning Commission to consider all variance requests.

II. **Background**

A. At the January Planning Commission meeting, the Planning Commission determined they would like to discuss previously proposed text amendments that were before the Commission on September 20, 2023, that would result in an expanded role for decision-making by the Planning Commission. Direction was given to staff to provide the staff report, proposed draft amendments, and staff-prepared chart of comparable jurisdictions from the meeting held on September 20, 2023, at the March 13, 2024, meeting.

B. At the March 13, 2024, meeting, the Planning Commission requested that staff prepare text amendments for a public hearing regarding this issue. The Planning Commission directed staff to prepare amendments that would result in the Planning Commission being the final decision-maker for Major Variances, most Conditional Use Permits, and Master Plan Amendments.

III. **Current Situation**

A. Currently, final decisions for Variances and Conditional Use Permits are decided by Staff.

IV. **Analysis**

A. **Strategic Impact** - No direct strategic impact. However, the Planning Commission has indicated a desire to engage more of the community in regard to the work of the Planning Commission. The proposed amendments would result in the Planning Commission making final decisions on Conditional Use Permits and Variances, which would be made formally in public meetings, which may serve to provide additional public participation. In addition, the draft strategic plan identifies action items surrounding community engagement.

B. **Financial** - None

C. **Timing** - At the March Planning Commission meeting, staff was directed to bring back proposed amendments regarding this issue at the May 8th Planning Commission meeting for a public hearing. The Public Hearing has been appropriately noticed and was set for the Planning Commission to consider these amendments.

D. **Policy/Legal** - The process for amending the Keizer Development Code is outlined in the KDC and has been followed for this process.

V. **Alternatives**

A. That Planning Commission conduct the public hearing, consider testimony, deliberate, and recommend approval to the City Council with any identified changes.

VI. **Recommendation**

Staff recommends

Attachments

1. COND and VAR to PC
2. Last 5 years Land Use cases

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Changes to Sections regarding Planning Commission Decisions

- Section 2.429 Transit Station (scrivener's error)
- Section 2.431 Nursing and Personal Care Facilities (scrivener's error)
- Section 3.101 Summary of Application Types
- Section 3.103 Conditional Use Permits
- Section 3.105 Variances – Minor and Major
- Section 3.113 Keizer Station Master Plan
- Section 3.201 General Provisions
- Section 3.202 General Procedures Types I, II, and III Actions
- Section 3.204 Public Notice Requirements
- Section 3.205 Public Hearing Before the Hearing Officer or Planning Commission
- Section 3.207 Appeal Provisions

2.429 TRANSIT STATION

2.429.02 Review Procedure

The procedure for approving a Transit Station Conditional Use Permit is set forth in Section 3.101.~~03~~⁰²(B). The application is a Type II – B action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (05/09)

2.431 NURSING AND PERSONAL CARE FACILITIES

2.431.02 Review Procedure

The procedure for approving a Conditional Use Permit for these types of uses is set forth in Section 3.101.0302(BC). The application is a Type II–C action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (9/18)

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~~ three 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~~ signs) (11/05)
 - 2. Property Line Adjustment (6/16)
 - 3. Conditional Use (signs) ~~Conditional Use (except Transit Station)~~ (5/09)
 - 4. Partitions (5/98)
 - 5. Greenway Development Permit (2/01)
 - 6. Floodplain Development Permit (including Floodplain Development Permit variance s and Conditional Use permits) (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. Variance (minor)

~~1.2.~~ Development Review (2/01)

~~2.3.~~ Alternative Design Review for Detached Accessory Dwelling Unit (Front Yard) (1/19)

~~D. — Type I-D: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The Zoning Administrator may refer any application to the Planning Commission or City Council for public hearing and decision. The following actions are processed under the Type I-D procedure: (7/03)~~

~~1. — Variance (Major) (7/03)~~

3.101.02 Type II Actions - Summary

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

1. Subdivision (5/98)

2. Planned Unit Development (5/98)

3. Manufactured Home Parks (5/98)

B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The City Council shall hold a public hearing and make the decision. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (12/18)

1. Transit Station (5/09)

2. Designation or Removal of a Historic Resource (9/18)

3. Development Standards Alternative within Keizer Station (12/18)

- C. Type II-C: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-C actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The Planning Commission shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-C procedure: (12/18)

1. Nursing and Residential Care Facilities-(6/11)

2. Conditional Use (except signs)

1.3. Variance (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 and Floodplain variances) (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (signs) (except Transit Station) (5/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision

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
<u>Variance (minor)</u> 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- <u>BC</u>	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision

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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
Conditional Use (except signs)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Variance (major)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
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/ Master Plan Amendment	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

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-B~~[II-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)

3.105 VARIANCES - MINOR AND MAJOR

3.105.04 Criteria - Minor Variance

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

3.113 KEIZER STATION MASTER PLAN

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-B~~II-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)

3.201 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 ~~H~~-I-B) with a Major Variance (Type ~~I-B~~II-C) shall be reviewed and decided as a Type II-C request. (5/98)

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

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 Permit, Floodplain Development Permit, including Floodplain Development Permit Variances and Conditional Use Permits ~~Permits~~) ~~(Type I-D Major Variance)~~ (6/16)

- A. 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)
- B. 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)
- C. 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)

3.202.03 Procedure for Type I-C Review

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

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

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May 2024

(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, 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)

3.204 PUBLIC NOTICE REQUIREMENTS

3.204.01 Type I-A ~~and~~, Type I-B ~~and Type I-D~~ Actions

- B. Type I-B ~~and I-D~~. Written notice of any Type I-B ~~and I-D~~ decision shall be mailed to the applicant, all property owners within 250 feet of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. Written notice for a Type I-B ~~and I-D~~ shall be a summary of the application and the decision, plus a notice that the recipient may request a copy of the full decision, which shall include the following: (07/07/03)

3.205 PUBLIC HEARING BEFORE THE HEARINGS OFFICER OR PLANNING COMMISSION

3.205.01 General Provisions

- A. Appeal of the Administrator's Decision. Appeal of a Type I-A or Type I-B action shall be heard by the Hearings Officer. Findings of the Hearings Officer on such appeal shall be final unless further appealed to the City Council. Appeal of a Type I-C ~~or Type I-D~~ action shall be heard by the Planning Commission, with appeal to the City Council. Findings of the Planning Commission on such appeal shall be final unless further appealed to the City Council (07/0703)

3.207 APPEAL PROVISIONS

3.207.01 Appeal Period

- B. Hearings Officer or Planning Commission Decision. The decision of the Hearings Officer or Planning Commission for a Type II land use decision, or the appeal of a Type 1-A, 1-B or, 1-C ~~or 1-D~~ decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within ten days of the date of the final written notice. An appeal stays the proceedings in the matter appealed until the determination of the appeal. (7/03)

Last 5 years of Land Use Case : Conditional Use, Variances and Master Plan Amendments

2024-01	Conditional Use	Electronic Message Sign
2024-02	Variance (minor)	Reduce street side setback on River Road
2024-03	Subdivision with Variance (minor)	reduce average lot width for townhouse development
2023-02	Master Plan Amendment	AREA D - Reconfigure the number and location of buildings
2023-11	Conditional Use	Daycare in the RS zone
2023-12	Partition with Major Variance	Reduce easement width
2023-13	Conditional Use	Dwelling addition in UT zone
2022-03	Conditional Use	Electronic Message Sign
2022-07	Variance (Minor)	Increase the maximum density in the RCOD
2022-11	Variance (Minor)	Reduce minimum side setback
2022-12	Conditional Use	Electronic Message Sign
2022-14	Conditional Use	Electronic Message Sign
2021-01	Conditional Use	Mini-storage in the AI zone
2021-06	Conditional Use	Electronic Message Sign
2021-08	Variance (Minor)	Increase maximum height in the RM zone
2021-12	Variance (Minor)	Reduce the side setback in the MU/RCOD zone
2020-09	Conditional Use	Electronic Message Sign
2020-10	Master Plan Amendment	Area D
2020-14	Conditional Use	Construct a new dwelling in the UT zone
2020-24	Master Plan Amendment	Area D - Decrease the number of buildings
2019-05	Conditional Use	McNary HS expansion
2019-07	Variance (Minor)	Increase the maximum size of an accessory structure
2019-09	Conditional Use	Electronic Message Sign
2019-10	Master Plan Amendment	Adding 2 additional monument signs
2019-11	Variance (Minor)	Reduce side setback & increase max density
2019-12	Conditional Use	Electronic Message Sign
2019-13	Conditional Use	Expansion of a non-conforming use - house of worship
2019-15	Conditional Use	Electronic Message Sign
2019-19	Variance (Minor)	Increase the maximum size of an ADU
2019-21	Conditional Use	Electronic Message Sign



To: Planning Commission

From: Shane Witham, Planning Director

Subject: Text Amendment Case 2024-06 - Reducing setback requirements along Collector and Arterial streets.

Proposed Motion

I move the Planning Commission to recommend approval of the proposed text amendments to City Council with changes as discussed, along with any other identified changes necessary for consistency within the Keizer Development Code.

I. Summary

The proposed text amendments will reduce the required setback along collector and arterial streets from 20 feet to 10 feet. This is consistent with the setback requirements for street side setbacks for all other street types. Setback requirements are listed in each of the individual zoning districts, therefore, several sections of the KDC are proposed to be amended. The following sections of the Keizer Development Code are proposed to be changed: 2.102, 2.103, 2.104, 2.105, 2.107, 2.108, 2.109, 2.110, 2.112, 2.117, and 2.118.

Staff is recommending that this standard be eliminated entirely, but Planning Commission may want to consider if this should only be changed for commercial properties, and not include residential uses. Staff feels it is appropriate to eliminate this standard, as it is not needed for safety and will allow for greater flexibility for property owners in site design.

II. Background

- A. The Keizer Development Code requires a 20-foot setback to a collector or arterial street, instead of the standard 10-foot street side requirement of other street designations. Unfortunately, this requirement is noted as a footnote to the setback chart which has caused confusion for property owners and developers multiple times over the years.
- B. The adoption of the Keizer Revitalization Plan and River Cherry Overlay District resulted in modified setback requirements for buildings within the identified "centers". One of the design intents was to bring buildings closer to the street for a more urban feel and a minimum setback of 0 feet and a maximum setback of 10 to public streets was established.

- C. Staff have had several interactions with property owners along River Road and more recently with some residential developments abutting collector and arterial streets where the increased setback of 20 feet has posed a barrier to the redevelopment of certain sites. In one instance, a property owner requested a minor variance to reduce the required setback from 20 feet down to 16 feet in order to provide adequate parking on a redevelopment project. This same project, if it had been located one parcel to the north, would have had a maximum setback of 10 feet.

III. **Current Situation**

- A. Currently, the setback along a collector or arterial street is 20 feet, and staff wishes to modify this requirement for greater flexibility for property owners, as well as greater consistency with the goals of the Keizer Revitalization Plan.

IV. **Analysis**

- A. **Strategic Impact** - None
- B. **Financial** - None
- C. **Timing** - The Public Hearing has been appropriately noticed and was set for the Planning Commission to consider these amendments.
- D. **Policy/Legal** - The process for amending the Keizer Development Code is outlined in the KDC and has been followed for this process.

V. **Alternatives**

- A. Preferred: Recommend approval of the proposed text amendments.
- B. Recommend approval of the proposed amendments with modifications to specify only certain locations, uses, or zones.
- C. Do not recommend approval of these changes.

VI. **Recommendation**

Staff recommends that Planning Commission recommend approval of the proposed text amendments to City Council.

Attachments

1. COLLECTOR AND ARTERIAL SETBACK

“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.”

Changes to code sections pertaining to setbacks along collector and arterial streets

- Section 2.102
- Section 2.103
- Section 2.104
- Section 2.105
- Section 2.107
- Section 2.108
- Section 2.109
- Section 2.110
- Section 2.112
- Section 2.117
- Section 2.118

2.102 SINGLE FAMILY RESIDENTIAL (RS)

2.102.05 Dimensional Standards

B. Minimum Yard Setback Requirements (6/22)

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

- (1) Townhouses may have zero-side yard setbacks for interior lot lines. (6/22)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (5) The minimum front setback from an access easement shall be ten (10) feet. (10/15)

2.103 LIMITED DENSITY RESIDENTIAL (RL)

2.103.05 Dimensional Standards

B. Minimum Yard Setback Requirements (6/22)

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

- (1) Townhouses may have zero-side yard setbacks for interior lot lines. (6/22)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street~~. (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (5) The minimum front setback from an access easement shall be ten (10) feet. (10/15)

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.05 Dimensional Standards

B. Minimum Yard Setback Requirements (6/22)

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

- (1) Townhouses may have a zero-side yard setback for interior lot lines (6/22)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (5) The minimum front setback from an access easement shall be ten (10) feet. (5/98)

2.105 HIGH DENSITY RESIDENTIAL (RH)

2.105.05 Dimensional Standards

B. Minimum Yard Setback Requirements (6/22)

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

- (1) Townhouses may have zero-side yard setbacks for interior lot lines (6/22)
- (2) The rear yard setback shall be as follows: 14 feet for a one-story building, and 20 feet for a two-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.107 MIXED USE (MU)

B. Minimum Yard Setback Requirements (6/22)

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

- (1) Townhouses may have zero-side yard setbacks for interior lot (6/22)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story single building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)
- (3) The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)
- (4) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (5) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (6) The minimum front setback from an access easement shall be ten (10) feet. (10/15)

2.108 COMMERCIAL OFFICE (CO)

2.108.05 Dimensional Standards

B. Minimum Yard Setback Requirements (6/22)

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

- (1) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (2) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. (5/98)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement. ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.109 COMMERCIAL RETAIL (CR)

2.109.07 Dimensional Standards

B. Minimum Yard Setback Requirements

SETBACKS	Commercial	Mixed Use
Front	10 feet	10 feet
Side	(1)	(1)
Rear	(1)	(1)
Street-side (2)	10 feet	10 feet
Garage entrance (3)	20 feet (3)	20 feet (3)

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property (5/98)*
- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.110 COMMERCIAL MIXED USE (CM)

2.110.06 Dimensional Standards

B. Minimum Yard Setback Requirements (6/22)

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

- (1) The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)
- (2) The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.112 COMMERCIAL GENERAL (CG)

2.112.05 Dimensional Standards

B. Minimum Yard Setback Requirements (6/22)

ADJACENT PROPERTY USE (6/22)

SETBACKS	Single Family or Duplex	Triplex, Quadplex or Multi-Family	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	(1)	(1)	(1)	(1)
Rear	(1)	(1)	(1)	(1)
Street-side (2)	5 feet	5 feet	5 feet	5 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CG zone, the rear yard setback is 0 feet. (5/98)
- (2) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement ~~or 20 feet from the right-of-way of an arterial or collector street.~~ (5/98)
- (3) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.117 EXCLUSIVE FARM USE (EFU)

2.117.04 Development Standards

- D. **Front Yards And Yards Adjacent To Streets.** Within an EFU zone:
1. Along the full extent of each front lot line and lot line adjacent to a street, there shall be a required yard 20 feet in depth; provided however, that any corner lot having one single-family dwelling shall have a required yard of 20 feet along the front lot line and 15 feet along the side lot line adjacent to the street. (5/98)
 2. ~~Notwithstanding the provisions of subsections 1. and 2. of this section, there shall be a required yard of 20 feet from the right-of-way of a designated arterial or collector street.~~ (5/98)
 32. Setbacks for accessory structures shall be subject to the requirements of Section 2.313. (5/98)

2.118 URBAN TRANSITION (UT)

2.118.07 Dimensional Standards

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

A. Minimum Yard Setback Requirements (6/22)

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

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



To: Planning Commission

From: Shane Witham, Planning Director

Subject: Text Amendment Case 2024-06 - Increasing the allowed square footage for an Accessory Structure.

Proposed Motion

I move the Planning Commission to recommend approval of the proposed text amendments to City Council with changes as discussed, along with any other identified changes necessary for consistency within the Keizer Development Code.

or

I move the Planning Commission not to recommend approval of the proposed text amendments to City Council.

I. Summary

The proposed draft text amendment to Keizer Development Code section 2.313 will result in increasing the allowable size for a detached accessory structure from 600 square feet up to 750 square feet in area.

II. Background

- A. The Planning Commission directed staff to prepare draft text amendments to increase the allowed size of an accessory structure (shop) to match what is allowed for an Accessory Dwelling Unit.
- B. This issue was raised by the Commission at the March meeting, and by consensus, the Commission directed staff to prepare draft amendments.
- C. The allowed size for an accessory structure has been 600 square feet maximum since 1998.
- D. Limitations on the size of accessory structures is one of the tools/strategies that cities use to protect and preserve larger lots for future development and/or redevelopment for housing, instead of large outbuildings being built to take up usable land.
- E. Limitations on the size of accessory structures is a method to reduce impacts on adjacent property owners.

- F. Historically, there have been several instances where minor variances have been granted for accessory structures, when taking into consideration unique circumstances of a particular property.

III. **Current Situation**

- A. Currently, the size of an Accessory Structure is limited to 600 square feet in area, and the size of a detached Accessory Dwelling Unit is limited to 750 square feet.
- B. The Planning Commission, by consensus, directed staff to prepare an amendment to make these size limitations consistent with one another.
- C. Staff is not inclined to recommend that the Planning Commission recommend approval of this amendment to the City Council. It seems that it would be more appropriate to handle requests for a larger than allowed Accessory Structure through the established Variance process instead.

IV. **Analysis**

- A. **Strategic Impact** - None
- B. **Financial** - None
- C. **Timing** - The Public Hearing has been appropriately noticed and was set for the Planning Commission to consider these amendments.
- D. **Policy/Legal** - The process for amending the Keizer Development Code is outlined in the KDC and has been followed for this process.

V. **Alternatives**

- A. Recommend approval of the proposed text amendments.
- B. Recommend approval of the proposed amendments with modifications.
- C. Do not recommend approval of these changes

VI. **Recommendation**

Staff recommends that the Planning Commission not recommend approval of the proposed text amendments to KDC Section 2.313 to City Council.

Attachments

1. ACCESSORY STRUCTURE CHANGES

"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."

Changes to - Section 2.313

Accessory Structures

2.313 ACCESSORY STRUCTURES AND USES

2.313.01 Single Family, Duplex, Triplex and Quadplex ^(6/22)

- E. Building Size and Lot Coverage. The accessory structure shall be limited to a maximum ground floor area of ~~600~~ 750 square feet. ~~If no garage exists on the property and the new accessory structure is proposed to accommodate a vehicle it may be 750 square feet in size. Additionally, in~~ In no case shall the accessory structure occupy more than 20% of the entire rear or side yard. The building size limitation shall be considered the maximum allowable area permitted for the sum of all accessory structures on the property. ^(3/21)