



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

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