



KEIZER PLANNING COMMISSION MEETING AGENDA
Wednesday, November 13, 2019 @ 6:00 p.m.
Keizer Civic Center Council Chambers

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES – October 2019**
3. **APPEARANCE OF INTERESTED CITIZENS**
This time is made available for those who wish to speak about an issue that is not on the agenda.
4. **PUBLIC HEARING: Amendment to Keizer Development Code – Text Amendment Case No. 2019-22:** to consider proposed revisions to the Keizer Development Code to amend Section 2.403 (Shared Housing Facilities) to modify standards for Accessory Dwelling Units governing parking and owner occupancy requirements, in order to be consistent with state law.
5. **NEW-OLD BUSINESS/STAFF REPORT**
6. **COUNCIL LIAISON REPORT**
7. **COUNCIL REPRESENTATIVE: Jeremy Grenz, Monday, November 18**
8. **ADJOURN**

Next Meeting ~ January 8, 2020

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**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, October 9, 2019 @ 6:00 pm
Keizer Civic Center**

CALL TO ORDER

Chair Garry Whalen called the meeting to order at 6:00 pm.

ROLL CALL:

Present:

Garry Whalen, Chair
Mark Caillier
Frank Hostler
Jeremy Grenz
Matt Lawyer
Jeffrey Watson

Council Liaison Present:

Councilor Freeman

Staff Present:

Shane Witham, Senior Planner
Nate Brown, Community Development Director

Absent:

Crystal Wilson, Vice Chair
Shannon Johnson, City Attorney

SWEARING IN OF COMMISSIONERS GRENZ AND HOSTLER: Deputy City Recorder Debbie Lockhart administered the Oath of Office to Commissioners Grenz and Hostler.

ELECTION OF CHAIR AND VICE CHAIR: Matt Lawyer and Crystal Wilson were elected by unanimous consent to serve as Chair and Vice Chair respectively.

APPROVAL OF MINUTES: Commissioner Caillier moved for approval of the September 2019 Minutes. Commissioner Watson seconded. Motion passed as follows: Whalen, Caillier, Watson and Lawyer in favor with Hostler and Grenz abstaining and Wilson absent.

APPEARANCE OF INTERESTED CITIZENS: None

DISCUSSION: Results of the Buildable Lands Inventory and Housing Needs Analysis
Community Development Director Nate Brown explained that the Housing Needs Analysis/Building Lands Inventory cannot be adopted because Keizer has a housing deficit, but strategies to remedy the deficit can be adopted. He reminded Commissioners that Strategies 2, 3 and 4 were discussed at the last meeting and that this meeting is to discuss *Strategy 1: Evaluate need for and risks of an Urban Growth Boundary amendment*. This includes three options: *1) Expand Keizer's portion of the UGB to meet Keizer's 20-year needs, 2) Use established Salem-Keizer UGB to meet Keizer's 20-year needs, and 3) Pursue a combination of option 1 and 2.*

Senior Planner Shane Witham explained that the citizen advisory committee had made a motion indicating that they wanted to pursue Option 2, which is not to expand the UGB but rather to look at ways to accommodate housing needs with the current land supply. Staff wants to know if the Commission agrees with this.

Discussion followed regarding how separating from Salem would affect services that are provided by Salem, the increased cost of providing city services to an expanded UGB area, the traffic impact of an expanded UGB, the possibility of engaging a state elected official to promote the separate/expanded UGB, the divided effect two high schools would have on the community and the increased SDCs anticipated if the UGB was expanded.

Mr. Witham explained that the HNA dives into the housing affordability piece and how the City has to accommodate all types and income levels. With an expansion the City would not be able to accommodate all levels of housing needs. That is another element to consider in this decision-making process. There is a certain income level in Keizer and those expansion areas will likely be for people not within this market unless there is some significant subsidies to make housing more affordable.

Commission continued discussion focusing on planning for growth and keeping options open, using the established Salem-Keizer UGB to meet Keizer's 20-year needs but monitoring Salem's reconstituted plan, allowing for flexibility for housing, monitoring what density can be achieved and what it does to the neighborhood fabric, and developing an action plan.

Commissioner Watson moved to recommend adoption of *Option 2: Use established Salem-Keizer UGB to meet Keizer's 20-year needs, and request staff to come back to the Commission with an Action Plan for moving forward with benchmarks.*

Commissioner Caillier seconded. Motion passed as follows: Whalen, Caillier, Watson, Lawyer, Hostler and Grenz in favor with Wilson absent

NEW/OLD BUSINESS/STAFF REPORT: Mr. Brown reported that staff has met with developers of the lot next to Sonic Drive-In and they are pursuing plans to construct a mixed use development – offices below, residences above. It is actually true mixed use.

COUNCIL LIAISON REPORT: Councilor Freeman reported that the Revitalization Plan had been approved with some minor tweaks, the skate park is open, and the Big Toy is still closed. She also announced the West Keizer Neighborhood Association meeting.

COUNCIL REPRESENTATIVE: Frank Hostler will report to Council.

ADJOURN: The meeting adjourned at 7:51 p.m.

Next Meeting: November 13, 2019

Minutes approved: _____

TO: PLANNING COMMISSION
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, SENIOR PLANNER

DATE: November 6, 2019

SUBJECT: Proposed text amendments (Sections 2.403) – modifying standards for Accessory Dwelling Units.

ATTACHMENTS:

- **Development Code Section 2.403 (Shared Housing Facilities) – draft**
- **State Model Development Code**
- **City of Salem – ADU standards (SRC Sec. 700.007)**

DISCUSSION:

The City of Keizer allows for Accessory Dwelling Units (ADU) and has been pro-active in creating rules and regulations to allow flexibility for the creation of housing options throughout Keizer. The standard for ADUs (Section 2.403) has been modified multiple times in response to legislative action and market driven factors over the past few years. Previous revisions have attempted to create meaningful standards that are consistent with both neighborhood expectations, as well as state law. However, striking the appropriate balance has proven to be challenging, as shown by the most recent legislative action in House Bill 2001.

House Bill 2001 was signed into law on August 8, 2019 and established that off-street parking and owner-occupancy requirements are not considered “reasonable local regulations relating to siting and design” for ADUs. Essentially, the bill clarifies what exactly can and cannot be regulated by local governments in relation to ADUs. Therefore, since the KDC requires both parking and owner occupancy, it is necessary to modify Section 2.403 of the Keizer Development Code (KDC) once again, for compliance with State law.

Over the past 2 years, the Community Development Department has issued 11 permits for ADUs in Keizer. It has become apparent during the review of these permits, as well as spending time answering questions and working with property owners, that it is necessary to differentiate between an attached ADU and a duplex structure. Staff proposes to do this by limiting the number of attached garages and creating a size limitation for attached ADUs. This will ensure that ADUs continue to truly be “accessory to” the main single family use of the property and will also establish the appropriate rates for collection of System Development Charges (SDCs).

The proposed text amendment will:

- Eliminate parking requirements
- Eliminate owner occupancy for both attached and detached ADUs
- Limit the size of an attached ADU to 40% of the overall structure and allow only one attached garage.

Included for your reference is a copy of the model code issued by the State of Oregon, along with the City of Salem's code regulating ADUs. As you can see from these examples, there are different options as to how ADUs can be regulated, and that we have chosen to regulate certain aspects differently than Salem or the State model code.

RECOMMENDATION:

That Planning Commission considers the proposal and recommends approval to the City Council, including any additional text changes identified.

2.403 SHARED HOUSING FACILITIES

In zones permitting single family dwellings, an Accessory Dwelling Unit (ADU) may be allowed subject to the standards in this section. An ADU may be a detached building, in a portion of a detached accessory building (e.g. part of/above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g. an addition or conversion of an existing floor). (1/19)

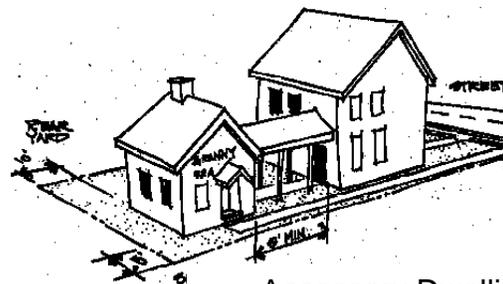
2.403.01 Attached Accessory Dwelling Unit (1/19)

Where permitted as a special use, attached Accessory Dwelling Units shall meet the following use and development standards. (1/19)

- A. Orientation and Access. A structure with an attached ADU shall not have more than one front entry facing the same direction. Entries on different building frontages, or shared entries shall be required. Only one attached garage and driveway is allowed for a property containing an attached ADU. (1/19)
- B. Dwelling Units. The building must contain not more than two dwelling units and there must be not more than 1 total ADU per lot. (1/19)
- C. Area Requirements. Square footage of the attached ADU is limited to 40% of the total dwelling square footage excluding garage or accessory structure. The attached ADU ~~One dwelling unit~~ must contain at least 300 square feet of floor area and the primary dwelling ~~other~~ must contain at least 600 square feet of floor area.- Area requirements do not apply to the conversion of an entire level or floor. (1/19)
- ~~D. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU. (1/19)~~
- DE. Ownership. An attached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- E. Design. The building must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence.

2.403.02 Detached Accessory Dwelling Unit (1/19)

Where permitted as a special use, a detached Accessory Dwelling Unit shall meet the following use and development standards. (1/19)



- A. Location. Except as allowed below, the detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (1/19)
- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. If located in the front yard, the applicant must show that the design of the ADU will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below. (1/19)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply except as set forth below:
- ~~1. One off-street parking space is required if there is no adjacent on-street parking allowed. (1/19)~~
- 2.1. ~~If required, the a~~Additional off-street parking space(s) must be provided within or adjacent to an existing driveway. Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (1/19)
- 3.2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
- D. Design. The detached ADU must be residential in character and must incorporate a minimum of 3 design features for single family dwellings found in Section 2.314.A. A separate address shall be required for each residence. (1/19)
- E. Area. The detached ADU shall be no larger than 750 square feet in total area. (1/19)
- F. Setbacks and Height. The minimum rear yard setback shall be 5 feet for a 1 story structure and 10 feet for a 2 story structure, unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall be 5 feet. The maximum height shall be 25 feet, and in no case may the detached ADU be taller than the primary home. (1/19)
- ~~G. Occupancy. At least one owner of the property must reside in either the principal residence or the ADU. (1/19)~~
- H.G. Ownership. A detached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)

H. Dwelling Units. The lot or property shall contain no more than 1 total ADU. (1/19)

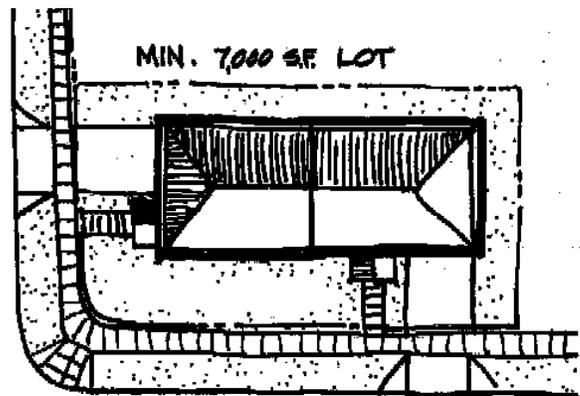
I. Building Conversion. Conversion of an existing accessory structure to a detached ADU shall be allowed, subject to the following standards. (1/19)

1. If the existing building is setback less than 3 feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure. (1/19)
2. Conversion of an existing legal non-conforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the non-conformity. (1/19)
3. The area of the detached ADU is limited to a maximum of 750 square feet regardless of the total area of the existing structure. Any additional square footage may not be accessible from the interior of the ADU, and may only be used as an accessory structure use for non-dwelling purposes. (1/19)

2.403.03 Duplex on a Corner Lot

Where permitted as a special use, a duplex on a corner lot shall meet the following additional use and development standards. (5/98)

- A. Lot Area. The corner lot shall contain at least 7,000 square feet. (5/98)
- B. Access. Each dwelling unit shall derive its pedestrian and vehicular access from a different street, unless otherwise required by the City Public Works Director. (5/98)



Duplex

Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. The statute does not allow local jurisdictions to include off-street parking nor owner-occupancy requirements. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____,] and shall conform to all of the following standards:

[A. One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

A. Two Units. *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

- 1.** A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller.
- 2.** An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

- 1.** Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;

2. No off-street parking is required for an Accessory Dwelling;
3. Properties with two Accessory Dwellings are allowed [10-20%] greater lot coverage than that allowed by the zone in which they are located; and
4. Accessory dwellings are not included in density calculations.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Sec. 700.007. - Accessory dwelling unit.

Where designated as a special use, accessory dwelling units shall comply with the standards set forth in this section. Where the standards in this section conflict with other standards in the UDC, the standards in this section shall be the applicable standard. Standards for accessory structures elsewhere in the UDC shall not apply to accessory dwelling units.

- (a) *All accessory dwelling units.* The standards set forth in this subsection shall apply to all accessory dwelling units.
- (1) *Number.* Only one accessory dwelling unit shall be allowed per lot.
 - (2) *Size.* Accessory dwelling units shall not exceed 900 square feet, or 75 percent of the main building gross area, whichever is less.
 - (3) *Types of structures allowed.* Accessory dwelling units shall only be allowed in lawfully-built dwelling units that meet building code requirements. Accessory dwelling units shall not be allowed in:
 - (A) A recreational vehicle, travel trailer, or similar structure;
 - (B) A motor vehicle;
 - (C) Any structure not intended for permanent human occupancy.
 - (4) *Condominium ownership.* Accessory dwelling units shall not be separated in ownership from the underlying property on which it and the main house to which it is accessory are located. Attached accessory dwelling units shall not be separated in ownership from the main house to which it is accessory.
 - (5) *Other uses.* Accessory dwelling units shall be prohibited from being used as short-term rentals or accessory short-term rentals.
 - (6) *Exemptions.* Accessory dwelling units are exempt from the following standards required elsewhere in the UDC:
 - (A) Dwelling unit density requirements, including requirements for a minimum or maximum number of dwelling units;
 - (B) Development standards, design review guidelines, and design review standards within overlay zones;
 - (C) Requirements to build garages.
- (b) *Detached accessory dwelling units.* The standards set forth in this subsection shall apply to all detached accessory dwelling units and are in addition to the standards in subsection (a) of this section.
- (1) *Location.* Detached accessory dwelling units shall be located in the side yard or rear yard.
 - (2) *Setbacks.* Setbacks for detached accessory dwelling units shall be provided as set forth in Table 700-1.

Table 700-1. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Detached accessory dwelling unit	Min. 12 ft.	Applicable along local streets.

	Min. 20 ft.	Applicable along collector or arterial streets.
Interior Side		
Detached accessory dwelling unit	Min. 3 ft.	
Interior Rear		
Detached accessory dwelling unit	Min. 5 ft.	
	Min. 1 ft.	Applicable to detached accessory dwelling units adjacent to an alley.

- (3) *Lot coverage.* The total lot coverage for buildings, accessory structures, and accessory dwelling units shall not exceed a maximum lot coverage of 60 percent.
- (4) *Height.* Detached accessory dwelling units shall be no more than 25 feet in height.

(Ord. No. 10-17, § 23(700.006), 7-10-2017)

TO: PLANNING COMMISSION

THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

DATE: NOVEMBER 13, 2019

SUBJECT: HOUSING POLICY #1 (UGB POLICY) “BENCHMARKS”

Attachments:

- **Milestones list.**

DISCUSSION: At the October 9th meeting, the Planning Commission concluded their discussion on the housing policies contained in the BLI/HNA, and particularly the Policy #1, weather to use the existing combined UGB for addressing our housing needs. In recommending adoption the PC asked that “benchmarks” be formulated to assess when future changes would be addressed and the position would be reevaluated. As some of these are not things that are specifically goals, but more events that will take place. Therefore we propose calling them Milestones.

We have considered the many aspects of this issue that are in motion have attempted to outline these “moving parts”. The attached list is the best summary we believe lists these parts.

RECOMMENDATION Planning Commission consider the Milestones list, discuss, make suggestions or corrections, and recommend the list to City Council.

UGB Milestones

The decision to expand the UGB is complex and will require thorough consideration of the impacts, future plans, and implementation of existing plans to accommodate the City's needs. This will require investment of time and resources to have purposeful direction—rather than a simple organic development as chance may produce.

As the future unfolds there are specific milestones that should be factored in, developed and accomplished.

1. Adopt a Population projection specific for Keizer:
Portland State University will be issuing completely revised and Keizer specific population growth projection estimate in November of 2020. This estimate will be binding and will be the governing target projection, dictating a revision to the recently completed BLI/HNA. There will be an opportunity to discuss this projection with PSU prior to their determination and Keizer should determine beforehand what, if any, influence it wishes to exert in that process. Adoption of a revised BLI/HNA will require a plan to address deficits.
2. Assess the Regional Growth Needs:
The City of Salem is in the process of a major Comp Plan revision where they are quantifying the amount of land being consumed, the placement of housing types and distribution of such things as neighborhood commercial uses. As they proceed in this project there will be greater clarity in the future growth, land supply, and timeline of that supply. This will also provide more information to Keizer about what the future holds locally and when and how an expansion of the UGB would have to take place for the entire Salem/Keizer area as a whole.
3. Analyze the Feasibility of Growth considering Transportation Impacts:
Keizer is entering into a SKATS funded study to identify the “Impacts of Growth on the Transportation System”. This study is intended to determine the resiliency of the existing Transportation infrastructure under three different growth scenarios. The results of this study will create specific information on the financial impacts of additional growth on transportation facilities. This will help the City to understand if/what growth is feasible and desirable—and importantly, how to fund these needs.
4. Monitor the effectiveness of adopted “Efficiency Measures”:
Adoption of the Revitalization Plan creates additional capacity for higher density development in Keizer's core. The actuality of this potential capacity should be documented and subsequently incorporated into future plans to create even more capacity. The implementation of the plan will take some time to manifest itself and will be at least 5 years—likely 10 years, before meaningful history can be documented.
5. Project the impact of new State legislation:
With the recent adoption of HB2001 various new capacities have been created. This, will also take time to create a history to evaluate and incorporate into the future plans of Keizer. The statute creates minimum thresholds, but allows for additional, aggressive measures to foster “Missing Middle” housing as well. Keizer may choose, after

evaluation of the impacts of first efforts, to become even more aggressive in its allowances.

6. Construct identified capital improvements in existing Transportation System Plan:

The existing TSP outlines several core elements that must be accomplished to serve the existing projected growth. Though there has been good progress addressing the Capital Improvements—e.g. Chemawa/Verda Roundabout, Lockhaven/14th Intersection—there are significant projects that need to be accomplished such as the Manzanita/ Trail/ Lockhaven connection and Wheatland Rd reconfiguration/improvements. There are steps being taken to accomplish these but this will likely take 5 to 10 years before they are complete. Without accomplishing these improvements any additional growth will compound the frustration with this growth. Construction of these improvements will unlock development potential in the northern section of Keizer and will provide additional potential for addressing needed housing in Keizer.

7. Implement plans to reinforce the sense of Community in Keizer.

Keizer must focus efforts on creating an even stronger “community” and a “sense of place”. Before additional stresses of more population and extended geographic area are pursued, implementation of the specific goals and objectives of its long range plans should be realized or at least begun to be implemented. These plans the goals and ideals include the Keizer Compass and the Keizer Revitalization Plan. The specific steps would include creating more employment land, more public spaces along the corridors, and “complete streets” along the corridors.