



KEIZER PLANNING COMMISSION MEETING AGENDA
Wednesday, March 11, 2020 @ 6:00 p.m.
Keizer Civic Center Council Chambers

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES – February 2020**
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: Proposed text amendment Section 2.203 (Permitted Uses Generally) and Section 2.312 (Yard and Lot Standards)**
5. **NEW-OLD BUSINESS/STAFF REPORT**
6. **COUNCIL LIAISON REPORT**
7. **COUNCIL REPRESENTATIVE: Jeffrey Watson, Monday, March 16**
8. **ADJOURN**

Next Meeting ~ April 8, 2020

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**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, February 12, 2020 @ 6:00 pm
Keizer Civic Center**

CALL TO ORDER

Chair Matt Lawyer called the meeting to order at 6:00 pm.

ROLL CALL:

Present:

Matt Lawyer, Chair
Crystal Wilson, Vice Chair
Garry Whalen
Mark Caillier
Frank Hostler
Jeremy Grenz

Absent:

Jeffrey Watson

Council Liaison Present:

Councilor Freeman

Staff Present:

Shane Witham, Senior Planner
Nate Brown, Community Development Director

APPROVAL OF MINUTES: Commissioner Caillier moved for approval of the January 2020 Minutes. Commissioner Whalen seconded. Motion passed as follows: Lawyer, Whalen, Caillier, Hostler and Grenz in favor with Wilson abstaining and Watson absent.

APPEARANCE OF INTERESTED CITIZENS: None

PUBLIC HEARING: Proposed text amendment (Sections 2.302-Street Standards) – Clarifying how many parcels/units may be accessed from an access easement, and modifying requirements for street tree placement.

Chair Lawyer opened the Public Hearing.

Senior Planner Shane Witham summarized his staff report and provided clarification.

With no further testimony Chair Lawyer closed the Public Hearing.

Commissioner Whalen moved to recommend Council approval of the proposed text amendments. Commissioner Caillier seconded.

Commissioner Hostler proposed a friendly amendment that the types of trees recommended to homeowners be included in the amendment. Commissioners Whalen or Caillier did not accept the amendment.

Commissioner Grenz proposed a friendly amendment that the word 'parcels' be changed to 'parcels or lots' throughout the amendment. Commissioners Whalen and Caillier accepted the amendment.

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

NEW/OLD BUSINESS/STAFF REPORT: Community Development Director Nate Brown shared information that had been discussed at the recent Council Work Session and directed attention to the map on display. He explained that the consultant had indicated that the yellow parcel on the map was not an option for employment land expansion because of the lack of infrastructure and access. The orange area on the map is proposed for campus/light industrial use. He added that the DLCD has indicated that the City has the potential to meet high density multi-family requirements with the work that has been done with the River-Cherry Overlay District and also that the Economic Opportunities Analysis done recently may not stand up to today's statutory requirements. He indicated that he is convinced that if this happens it will involve a negotiated settlement.

Discussion followed regarding population forecasts and transportation considerations.

COUNCIL LIAISON REPORT: Councilor Freeman reported on the recent Council work session and urged everyone to stay tuned for more discussion. She noted that she is participating in the Police Academy and urged everyone to do the same next time it is available.

COUNCIL REPRESENTATIVE: Mark Caillier will report to Council.

ADJOURN: The meeting adjourned at 6:49 p.m.

Next Meeting: March 11, 2020

Minutes approved: _____

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

DATE: March 4, 2020

SUBJECT: Proposed text amendments to Keizer Development Code (KDC) Section 2.203 (Permitted Uses Generally) and Section 2.312 (Yard and Lot Standards) relating to backyard chickens/ducks, and standards for fencing.

ATTACHMENTS:

- **KDC Section 2.203 (Permitted Uses Generally) – draft**
- **KDC Section 2.312 (Yard and Lot Standards) – draft**
- **Email correspondence received (Robin Green, Kris Tackett)**

DISCUSSION:

City Council directed staff to initiate a text amendment to revisit the standards regulating backyard chickens. This was in response to a citizen request that Keizer regulate chickens the same as the City of Salem, and allow up to 6 hens on a property, instead of Keizer’s current limit of 3. These requirements are found in KDC Section 2.203 (Permitted Uses Generally). In addition, staff is recommending changes to KDC Section 2.312 (Yard and Lot Standards) which regulates fencing, and was identified on the work program to be changed.

Changes proposed to KDC Section 2.203 (Permitted Uses Generally):

Staff has reviewed the City of Salem’s rules governing backyard chickens and recommends changes to the KDC which mirror some, but not all of those standards. In addition, staff is requesting the legal department provide language in order to address service animals/ADA provisions to alleviate concerns that existing language in the KDC may not be compliant with state and federal law. The proposed text changes to KDC Section 2.203 will:

- Allow up to 6 total chickens (no roosters) and/or ducks
- Clarify the requirements for coops and runways
- Reduce setback requirements for coops
- Eliminate requirement for obtaining a “chicken permit”

Changes proposed to KDC Section 2.312 (Yard and Lot Standards):

The work program discussed at the January Planning Commission identified the standards for fencing should be modified. Staff is recommending text changes to clarify the regulations for both residential and commercial/industrial fences. The text changes will:

- Allow a four foot tall fence/wall/ or hedge to be located adjacent to a street for residential, public, and semi-public uses (previously 3.5 feet was allowed)

- Regulate height/location of hedges adjacent to streets consistent with the standards for fences and walls
- Modify language referencing building permit requirements
- Clarify requirements for barbed wire/electric fences

Other Issues Raised – No changes proposed by staff:

Staff received two emails which are included for your reference. One of the emails requested the number of allowed chickens be increased to 6, include ducks, and requested an allowance for goats. The second email specifically requested the City allow pygmy goats as pets. Staff is not recommending changes to allow goats or other livestock animals at this time. However, this issue is a matter of policy for Planning Commission to consider. Staff examined regulations from the City of Salem, City of Portland, and City of Hillsboro relating to allowable animals and backyard agricultural uses. There is no consensus or standard on how to regulate these issues, and clearly there are many options to consider. However, if Planning Commission wishes to pursue a larger policy discussion, staff believes it would be beneficial to engage with community members, stakeholders, and neighborhood associations first, for input on concerns prior to recommending specific regulations.

RECOMMENDATION:

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

From: [Crosby, Ben](#)
To: ["R Green"](#)
Cc: [Witham, Shane](#)
Subject: RE: goats
Date: Friday, February 21, 2020 1:43:08 PM

Good afternoon Robin,

I have copied the Senior Planner, Shane Witham, on your email. Shane is taking this subject to Planning Commission in March. I will have him reach out if as any further questions. Let us know if you have any questions.

Thanks
Ben

From: R Green [mailto:pigsbirds.green@gmail.com]
Sent: Friday, February 21, 2020 1:09 PM
To: Crosby, Ben <CrosbyB@keizer.org>
Subject: goats

Hi Ben,

I spoke to you a few weeks ago about being able to have goats in Keizer city limits. I live on Greenwood Dr. and would love to be able to have a couple of miniature or pygmy goats as pets in my yard at my house. I'm not sure what other info you need or if this request is sufficient.

Thank you for your help,

Robin Green
1099 Greenwood Dr NE
Keizer, OR 97303

From: [Kris Tackett](#)
To: [Witham, Shane](#)
Subject: 7770 Timothy Lane - Request
Date: Tuesday, February 18, 2020 2:36:42 PM

Good Afternoon Sir,

We spoke today about whether or not I was permitted to have ducks and a goat on my property. I would like to request that I be allowed to have 6 chicks/ducks, instead of the current limit of 3. I would like to also like to request to have a goat, for the purpose of taking care of the heavy amounts ivy and black berry bushes that I have on my property.

Please let me know, if there is anything else I can do to permit these requests.

Thanks Kris

2.203 PERMITTED USES GENERALLY

2.203.01 Permitted Uses

The following uses and activities are permitted in all zones:

- A. Utility Facilities. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewater, sewage and rainwater. (5/98)
- B. Railroad Tracks. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies. (5/98)
- C. Street Improvements. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency. (5/98)
- D. Public Right-of-way Expansion/Use. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan.

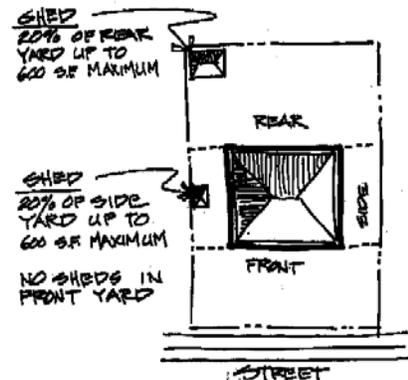
The placement, storage or display of merchandise, or other material for commercial use in the street, on the sidewalk, median strip, or any other portion of the street right of way or public easement is prohibited. (12/15)

- E. Signs. Signs as permitted in Section 2.300. (5/98)

2.203.02 Permitted Residential Accessory Structures and Uses

The following accessory uses shall be permitted subject to the following limitations and requirements:

- A. Accessory Structures and Uses. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling or manufactured home:
 - 1. Decks and patios (open, covered or enclosed). (5/98)



Accessory Structure Locations

2. Storage building for fire wood, yard maintenance equipment or tools, or, personal property not used in conjunction with any commercial or industrial business other than a home occupation. (5/98)
 3. Green house or hobby shop. (5/98)
 4. Swimming pools, hot tubs, and saunas along with associated structures. (5/98)
 5. Pets (include some language from legal department for ADA/service animals), including outdoors shelters or runs. (5/98)
 6. Fall-out shelters. (5/98)
 7. Garages and carports. (5/98)
 8. Rooms for 1 or 2 boarders residing in the dwelling. (5/98)
- B. Fences. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Section 2.312.10. (5/98)
- C. Residential Office. One manager's office of 400 square feet or less for rental of dwellings is a permitted accessory use in the RL, RM, RH and CM zones provided the office is located within a building containing dwelling units. (5/98)
- D. Agricultural Uses. Gardens, orchards and crop cultivation primarily for personal use is a permitted use accessory to a dwelling in residential zones, except that the keeping of livestock, poultry (except chickens and ducks) or the sale of such, as well as the selling of produce on site are prohibited. Chickens and ducks are only permitted consistent with the following standards: (9/11)
1. Chickens and ducks shall only be kept upon property occupied by a detached single family dwelling or duplex. (9/11)
 2. No more than 3-6 hens or ducks in total may be kept on any one property. (9/11)
 3. The keeping of roosters is prohibited. (9/11)
 4. Chickens and ducks shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in ~~chicken~~-breeding or fertilizer production for commercial purposes. (9/11)
 5. Chickens and ducks must be kept in a ~~chicken~~coops and runway, which shall only be located in a side or rear yard. A runway is a fully enclosed fenced area connected to the coop. Chickens and ducks must remain confined at all times, except when under control of an owner or custodian. (9/11)

6. ~~Chicken e~~Coops shall comply with Accessory Structure requirements in Section 2.313 B, C, D, and F. (9/11)
7. ~~Chicken e~~Coops and runway areas shall be kept clean, dry, free of noticeable odors, and in good repair. (9/11)
- ~~8. A chicken coop is required. (9/11)~~
- ~~9. Chicken coop shall be setback a minimum 10 feet from adjacent property lines. (9/11)~~
- ~~10. Applicant shall obtain a permit from the city prior to the keeping of chickens. (9/11)~~

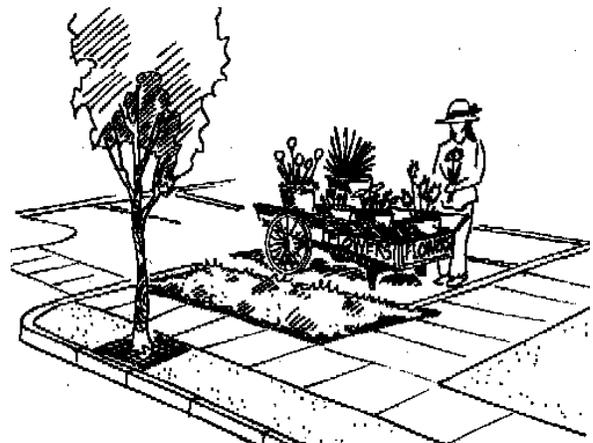
2.203.03 Permitted Non-residential Accessory Structures and Uses

- A. Rental Office. A manager's office for rental of space in an industrial zone. (5/98)
- B. Mobile Classrooms. Mobile classrooms are a permitted accessory use in conjunction with elementary and secondary schools. (5/98)

2.203.04 Permitted Temporary Uses

The following temporary uses shall be permitted subject to the following limitations and requirements:

- A. Permitted Activities. Outdoor tree or fireworks sales are permitted in all zones except residential. Amusement and recreational service (SIC 799); and retail sales and services from a vehicle or temporary structure are permitted in all permitting zones, except residential, as a secondary use. However, houses of worship on arterial or collector streets may conduct any temporary use as described in this section. (2/01)
 1. The uses are otherwise permitted to be outdoors in the zone. (5/98)
 2. The activity is located on the same lot for no more than 90 days in any calendar year. (5/98)
 3. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements. (5/98)
 4. The use does not block driveways, driveway entrances or parking aisles. (5/98)



5. The activity conforms to all signage requirements in Section 2.308. (5/98)
 6. The activity conforms to all setback requirements applicable to the lot and zone. (5/98) Temporary Business
 7. The operator of a temporary use shall provided the required information, pay the applicable fee, obtain and display the required temporary business permit. (5/98)
 8. The operator of a temporary use shall obtain all permits required by other agencies including those required for food handling and sales, and the sale of fireworks. (5/98)
- B. Temporary Construction Facilities. Mobile offices, temporary power equipment and temporary structures to house personnel and store equipment during construction, provided the structures are not used as dwellings. (5/98)
- C. Produce Stands. Temporary roadside stands in conjunction with a farm use provided:
1. Sales are limited to produce grown in the vicinity with at least 51% of the produce is grown on the premises. (5/98)
 2. One off-street parking space is provided for each 100 square feet of floor area. (5/98)
 3. The roadside stand is operated for no more than 6 months in any calendar year and only between official sunrise and sunset. (5/98)
- D. Yard Sales and Auctions. Yard sales in any residential zone, and auctions in Commercial and Industrial zones, provided there are not more than 3 sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. (5/98)
- E. Additional Permitted Temporary Uses. The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the Council finds necessary to protect the health, safety and welfare of the public. (5/04)
- F. Temporary Use of Containers. The temporary use of a portable storage container may be permitted provided that the portable storage container is placed in a driveway, parking lot, or other paved surface area. A container must be placed on private property and cannot encroach or interfere with any sidewalk, public right of way, access way, or vision clearance area. A portable

storage container may not be placed anywhere on a lot or parcel more than a total of 30 days in a calendar year. (3/12)

2.312 YARD AND LOT STANDARDS

2.312.01 Lot Coverage, Generally

Specific standards for lot size or area, for lot dimensions, and for lot coverage are set forth in the applicable zone. Where a standard for lot coverage is expressed as a percentage, such standard means the percentage of total lot area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area (such as pet shelters, play houses, etc.) shall not be included in calculating lot coverage. (5/98)

2.312.02 Yards and Yard Area, Generally

- A. Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (5/98)
- B. Yards to be Unobstructed. A "required yard" is the minimum required setback area between a structure or manufactured dwelling and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every required yard or setback area shall be open and unobstructed by buildings, or structures from the ground to the sky except for those exceptions permitted in this Section. (07/06)

2.312.03 Separation of Lot or Yard Areas

- A. Reduction in Lot Area. Except as provided in 2.312.03.C., no portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing the dwelling units is located. (07/06)
- B. Separation of Required Yards. Except as provided in 2.312.03.C., no required yard or other open space around an existing building shall be separated in ownership from the lot upon which the building is located. (07/06)
- C. Exceptions. In a planned unit development building setbacks and yard areas, open space, and other areas without buildings established pursuant to the standards and the requirements of this Ordinance may be part of a lot containing a dwelling if the area is not common area or other area required to be located within a lot owned by the homeowner's association. (5/98)

2.312.04 Special Street Setbacks

- A. Purpose. The special setbacks in this section are based upon the functional classification of streets and roads as described in the comprehensive plan. The purpose of these special setbacks is to allow for the expansion or improvement of streets and roads in order to safely accommodate vehicular or pedestrian traffic. The special setback shall be measured from the centerline of the street right-of-way are as noted in 2.312.04.D. (07/06)
- B. Setback Requirements. Required yards and setbacks adjacent to a street shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way. (5/98)
- C. Special Provisions. Except as provided herein structures and paved surfaces shall not be located within the special setbacks specified in 2.312.04.D, below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a nonconforming structure. (5/98)
- D. Special setback requirements: (5/98)

FUNCTIONAL CLASSIFICATION	SPECIAL SETBACK
Major Arterial	36 feet
Minor Arterial	34 feet
Collector	34 feet
Local Street III*	24 feet
Local Street II*	23 feet
Local Street I*	22 feet
Cul-de-Sac	See equivalent Local Street requirement

* See functional classification in Section 2.302.04

2.312.05 No Parking in Front Yard, Yards Adjacent to a Street

Moved to 2.303.04

2.312.06 Front Yard Projections

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required front yard not more than two feet. (07/06)

- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features, window projects and cantilevered second story portion of a building may project not more than two feet into a required front yard. (07/06)
- C. Decks and Patios. Uncovered porches and covered but unenclosed porches, or awnings that are not more than one story high may extend ten feet into the front yard setback. (07/06)

2.312.07 Side Yard Projections

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than four feet in any case. (07/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than one and one-half feet into a required side yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three feet or less in height from ground level. (5/98)

2.312.08 Rear Yard Projections

- A. Building Features. A fire escape, outside stairway, cornice, eaves, gutters or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard. (07/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, other ornamental features, window projection, and cantilevered second story portion of the building, may project not more than two feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Steps, Porches, Decks and Patios. Planter boxes, steps, decks, patios, uncovered porches, and covered but unenclosed porches including covered patios, which are not more than 30 inches above grade, are exempt from the minimum rear yard depth requirements. These same features that are more than 30 inches above grade may encroach up to a maximum of ten feet into the rear yard setback area. (07/06)

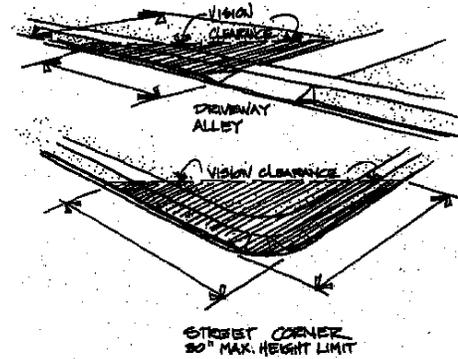
2.312.09 Vision Clearance

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect. The vision clearance area shall conform to the following unless it is determined by the Keizer Traffic Engineer that other methods may be more feasible: (12/12)

A. Generally. A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the point of intersection and extend the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (12/12)

B. Street-Driveway Intersection. A vision clearance area at the intersection of a street and a driveway shall be the triangular area established according to the following procedure: (5/98)

1. A line extending ten feet from the intersection along the public street right-of-way; (5/98)
2. A line extending ten feet from the intersection along the driveway; (5/98)
3. A third line that creates the triangular vision clearance area by connecting the ends of the lines described in (1) and (2), above. (07/06)
4. This subsection shall apply for street-alley intersections. (12/12)
5. There is no vision clearance area minimum for driveway/alley intersections. (12/12)

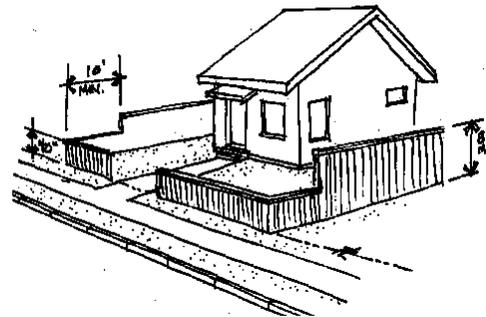


Vision Clearance Areas

C. Street-Street Intersections. The vision clearance area for street-street intersections with at least one arterial street shall be computed as above but with legs of 40 feet in each direction. The vision clearance area for street-street intersections along collector and local streets on all approach legs shall be computed as above but with legs of 30 feet in each direction. (12/12)

D. Prohibited Placement. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, placement of a sign exceeding 30 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade. In addition, vehicles shall not be parked in a vision clearance area. The following may be allowed in the vision clearance area: (12/12)

1. Trees, provided all branches and foliage are removed to a height of seven feet above grade; (5/98)
2. Telephone, power, and cable television poles; and
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension. (5/98)
4. Public or governmental signs. (12/12)



2.312.10 Fences, Walls and Hedges

A. Residential, Public and Semi-Public Uses

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of any vision clearance area identified in Section 2.312.09. Fences ~~and walls, and hedges~~ shall not exceed a height of ~~three and one-half~~ four feet within ten feet of any property line adjacent to the street. A ~~sight obscuring fence, wall, or hedge~~ that is placed in the rear yard or side yard may encroach within this 10 foot setback area but shall be placed no closer than 3 feet to the property line along a street and may exceed the ~~three and one-half~~ four foot ~~feet~~ height restriction. A fence, or wall, may not exceed eight feet in height, and shall comply with all applicable building code requirements. ~~A fence or wall over six feet in height will require a building permit.~~ (07/06)
2. Construction material: Fences or walls constructed of the following materials, including, but not limited to barbed wire, electric fencing, broken glass, wooden pallets, tarps, corrugated metal, and spikes shall generally be prohibited. Agricultural uses may utilize electric and barbed wire fencing. (07/06)
3. An entrance wall or gate to a subdivision, planned unit development or other residential development shall be permitted provided the wall or gate does not exceed six feet in height nor violate provisions of the vision clearance area. (5/98)

Fence Standards

B. Commercial and Industrial Uses

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence or wall may not exceed 12 feet in height, and shall comply with all applicable building code requirements. ~~A fence or wall over six feet in height will require a building permit.~~ (07/06)
2. Construction material: ~~A conditional use shall be required for an~~ No electrical or barbed wire fencing e in the CM zone shall be allowed, except for. ~~Electric and barbed wire fencing shall be permitted~~ in the IG, AI, and CG, zones provided that a proposed fence is not placed ~~in the front yard (see definition Yard Front)~~ within 10 feet along either a public or private street; is screened from adjacent residential zones; and, does not include any concertina wire. In no event shall barbed wire be placed lower than six (6) feet above finished ground level, except for fences constructed in connection with agricultural uses. Barbed wire fencing shall be angled inward. (01/09)