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KEIZER PLANNING COMMISSION MEETING AGENDA

Wednesday, June 10, 2020 @ 6:00 p.m.

Keizer Civic Center Council Chambers

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES – January 2020**
- 3. VOLUNTEER APPRECIATION – Sarah Head**
- 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.
- 5. PUBLIC HEARING: Proposed text amendment Section 3.106 (Property Line Adjustment) and Section 3.107 (Partitions)**
- 6. NEW-OLD BUSINESS/STAFF REPORT**
- 7. COUNCIL LIAISON REPORT**
- 8. COUNCIL REPRESENTATIVE: Matt Lawyer, Monday, June 15**
- 9. ADJOURN**

Next Meeting ~ TBD



**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, March 11, 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
Jeffrey Watson
Garry Whalen
Mark Caillier
Frank Hostler
Jeremy Grenz

Absent:

Crystal Wilson, Vice Chair

Council Liaison Present:

Councilor Freeman

Staff Present:

Shane Witham, Senior Planner
Nate Brown, Community Development Director
Shannon Johnson, City Attorney

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

APPEARANCE OF INTERESTED CITIZENS: None

PUBLIC HEARING: Proposed text amendment Section 2.203 (Permitted Uses Generally) and Section 2.312 (Yard and Lot Standards)

Chair Lawyer opened the Public Hearing on Section 2.203 – Permitted Uses Generally

Senior Planner Shane Witham summarized his staff report and provided clarification. He explained that Council had asked that the number of chickens be increased to 6 and staff has included ducks as well. He noted that other changes are to make it easier to enforce and regulate and the permit requirement has been deleted. Discussion followed at length regarding regulating service animals, 'comfort animals', coops and runways, and chicken predators.

Matt Griffith, Keizer, voiced support for increasing the number of birds allowed but was opposed to requiring them to be kept in a run.

Erica Arcibal, Keizer, shared detailed information about ducks, and expressed support for allowing them and opposition for keeping them contained.

Cris Dudek, Keizer, voiced support for increasing the number of chickens and allowing ducks but urged eliminating the requirement to keep them contained.

Matt Lawyer shared information received from people on Facebook.

With no further testimony Chair Lawyer closed the Public Hearing on Section 2.203 – Permitted Uses Generally.

Commissioner Caillier moved that the Planning Commission accept the staff’s work adding the verbiage “Animals if required to be allowed under federal or state law including outdoors shelters or runs”, allowing chickens or ducks and increasing the number to 6 and including staff’s wording on coops and runways. Commissioner Grenz seconded and offered a friendly amendment to change ‘property’ to ‘parcel or lot’ (accepted by Commissioner Caillier). Motion passed as follows: Lawyer, Whalen, Caillier, Hostler, Watson and Grenz in favor with Wilson absent.

Chair Lawyer opened the Public Hearing on Section 2.312 - Yard and Lot Standards.

Senior Planner Shane Witham explained that this item is on the work plan. He summarized his staff report and provided clarification. Discussion took place regarding alleys.

With no further testimony Chair Lawyer closed the Public Hearing on Section 2. 312 - Yard and Lot Standards.

Commissioner Grenz moved that the Planning Commission accept the staff report and recommendation as provided with the exception of adding to Section 2.312.10A1 the 10th line: ‘excluding alleys and access easements’. Commissioner Watson seconded. Motion passed as follows: Lawyer, Whalen, Caillier, Hostler, Watson and Grenz in favor with Wilson absent.

NEW/OLD BUSINESS/STAFF REPORT: Community Development Director Nate Brown provided an update on the Transportation Growth Study providing details of the scenarios.

COUNCIL LIAISON REPORT: Councilor Freeman announced upcoming meetings and encouraged everyone to help with the Saturday Civic Center cleanup.

OTHER BUSINESS: Matt Lawyer invited everyone to the April 18 Soggy Day at the Park and reminded Commissioners to fill out their Annual Statement of Economic Impact.

COUNCIL REPRESENTATIVE: Jeffrey Watson will report to Council.

ADJOURN: The meeting adjourned at 7:34 p.m.

Next Meeting: April 8, 2020

Minutes approved: _____

TO: PLANNING COMMISSION

FROM: SHANE WITHAM, SENIOR PLANNER

DATE: June 2, 2020

SUBJECT: Proposed text amendments to Keizer Development Code (KDC) Section 3.106 (Property Line Adjustment) and Section 3.107 (Partitions) relating to extension timeframes for preliminary approvals.

ATTACHMENTS:

- **KDC Section 3.106 (Property Line Adjustment) – draft**
- **KDC Section 3.107 (Partitions) – draft**
- **KDC Section 3.108 (Subdivisions, Planned Unit Developments, and Manufactured Home Parks) – for reference only**
- **Chart from Commissioner Grenz - approval/extension periods**

DISCUSSION:

At the January meeting, by consensus, the Planning Commission agreed to add an item to the proposed work program to address approval timeframes and extensions for land use actions. Specifically, the concern was raised that it is often difficult to get through the process of recording the final plat within the existing one year time frame, with a one year (one-time) only extension.

Commissioner Grenz provided a chart to staff (attached for your reference), listing some other jurisdictions timeframes for approval and extensions. The chart shows there are almost as many different approaches as there are jurisdictions and there is no “one-size fits all” approach. Due to the nature of development in Keizer being mostly infill, staff is hesitant to simply increase the approval time outright, since one of the foundational elements of land use planning is the public involvement process. That being said, staff is supportive of creating additional flexibility to allow additional extensions, if regulations have not been changed that would otherwise prohibit the development.

In the past, the City has been able to work with developers successfully, for the most part, to see their projects through to completion. Since 2015, 44% of all partition and 37.5% of all subdivision approvals have been requested and been granted an extension to complete the recording of their plats. There have been a couple of times where limitations on granting extensions have posed a problem. With consideration being given to unknown impacts related to the current COVID-19 pandemic on new developments, staff believes it is both timely and appropriate to address this issue to ensure additional flexibility is provided.

Staff is recommending modification to the existing language in Section 3.106 and 3.107 to eliminate the “one-time” provision, but not proposing to change the initial approval timeframe of one year. This will align the approval and extension timeframe with existing language in Section 3.108 (Subdivisions, Planned Unit Developments, and

Manufactured Home Parks), which will provide consistency within the Development Code.

RECOMMENDATION:

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

3.106 PROPERTY LINE ADJUSTMENT

3.106.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. In the event the property line between two or more properties is proposed to be moved with the consent of all parties, approval of a property line adjustment is necessary to assure the resultant parcels meet all standards of this Code. (6/16)

3.106.02 Application and Fee

An application for a property line adjustment 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. The application shall include: (6/16)

- A. A copy of all recorded deeds for the existing units of land; (6/16)
- B. A site plan indicating: (6/16)
 - 1. The dimensions and areas of the units of land before and after the proposed property line adjustment; (6/16)
 - 2. Building setbacks and location to existing and proposed property line adjustment. (6/16)

3.106.03 Applicability

Under the following provisions and in accordance with Section 2.310.03.B, a property owner(s) or his designate may propose a property line adjustment. (6/16)

3.106.04 Criteria – Property Line Adjustment

Staff may grant a property line adjustment in accordance with the Type I-B review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (6/16)

- A. The adjustment of lot lines results in no more parcels than originally existed. (5/98)
- B. The proposed property line adjustment results in parcels that meet all area and dimension standards of this Code; and (6/16)
- C. The proposed property line adjustment does not locate lot lines in violation of the setback and height provisions of the Code relative to existing structures and improvements. (6/16)

- D. The property line adjustment involves only lots or parcels that have been lawfully created. (6/16)
- E. The property line adjustment by itself does not prohibit any property from accessing either a public right of way or an access easement. (6/16)

3.106.05 Process for Final Approval

- A. Survey. Within 1 year of the final decision, a preliminary plat, survey of record, property line adjustment deed or other document as required by Marion County Surveyor shall be recorded or filed. If such document is not submitted within 1 year, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. A one-time one-year extension shall be granted by the Community Development Director. Extensions may only be granted if provided that no subsequent code amendments/revisions have been adopted by City Council that might otherwise affect the property line adjustment as proposed. Applicant shall submit written extension request prior to expiration of decision. (6/16)
- B. Recording of Approved Plat, Survey of Record, Property Line Adjustment Deed or Other Document. No building permit shall be issued until the appropriate documents have been recorded with the County Recorder. The applicant shall be responsible for all recording fees. (6/16)

3.107 PARTITIONS

3.107.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. The development standards for Partitioning are provided for the orderly, safe, efficient and livable development of land within the City of Keizer. (2/01)

3.107.02 Applicability

A partition is required for any land division that creates two or three parcels in a calendar year. (2/01)

3.107.03 Application and Fee

An application for a partition 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)

3.107.04 General Provisions

- A. Validity. Partition approval is valid in perpetuity, upon recording of the final surveyed plat. (2/01)
- B. Number of Parcels. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process. (2/01)
- C. Master Plan. A master plan for development may be required for any application that leaves a portion of the subject property capable of replatting. (07/07)

3.107.05 Submittal Requirements for Preliminary Review

- A. Application Process. Applications for partitions shall be submitted on forms provided by 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. (5/98)
- B. Submittal Requirements. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (5/98)
 - 1. Appropriate identification stating the drawing is a preliminary plan. (5/98)

2. North point, scale and date. (5/98)
3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (5/98)
4. Assessor Map number and tax lot number of subject property. (2/01)
5. The property lines and approximate area of the subject property. (2/01)
6. Dimensions and size in square feet or acres of all proposed parcels. (5/98)
7. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (5/98)
8. Future Street Plan. A future street plan shall be submitted with partition proposals that include (a) public street(s) to connect to adjacent property for future development. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (01/02)

3.107.06 Process for Preliminary Review

Preliminary plats for partitions shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.202.02. (2/01)

3.107.07 Review Criteria

Approval of a partitioning shall require compliance with the following: (5/98)

- A. Each parcel shall meet the access requirements of Section 2.310.03.D. (5/98)
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved. (07/07)
- C. Each parcel shall comply with the requirements of Section 2.310. (2/01)
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (01/02)

- E. Each parcel shall comply with the applicable requirements within Sections 2.301 (General Provisions) ; 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and, 2.316 (Infill Development). (07/07)
- F. Adequate public facilities shall be available to serve the existing and newly created parcels. (5/98)

3.107.08 Process for Final Plat Approval

- A. Survey. Within 1 year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. A one-time one-year extension may be granted by the Community Development Director. Extensions may only be granted if provided that no subsequent code amendments/revisions have been adopted by City Council that might otherwise affect the partition as proposed. Applicant shall submit written extension request prior to expiration of decision. (07/07)
- B. Final Approval. If the partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat. (5/98)
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. (2/01)
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B. (2/01)

3.108 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND MANUFACTURED HOME PARKS

3.108.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. Development standards for Subdivisions are provided for the orderly, safe, efficient and livable development of land within the City of Keizer. Planned Unit Development standards allow flexibility and encourage a more creative approach in the development of land. Manufactured Home Park standards are developed to protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other applicable development standards. (2/01)

3.108.02 Application and Fee

An application for a Subdivision, Planned Unit Development or Manufactured Home Park shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application in accordance with Section 3.201.03 and that addresses the review criteria of this Section. (2/01)

3.108.03 Applicability

A subdivision (or planned unit development) is required for any land division that creates more than three parcels in a calendar year. A Manufactured Home Park approval is required for establishing such a park. (2/01)

3.108.04 Submittal Requirements

- A. Application Process. Applications for all subdivisions, planned unit developments, and manufactured home parks shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section. (2/01)
- B. Submittal Material. The following submittal requirements shall apply to all Preliminary Plan applications for subdivisions, planned unit developments, and manufactured home parks. (5/98)
 - 1. All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (5/98)
 - 2. Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet

nor more than one inch equals 200 feet, and containing at a minimum, the following: (5/98)

- a. Appropriate identification stating the drawing is a preliminary plan. (5/98)
- b. North point, scale and date. (5/98)
- c. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (5/98)
- d. Assessor Map and tax lot number of subject property. (2/01)
- e. The property lines and approximate area of the subject property. (2/01)
- f. Dimensions and size in square feet or acres of all proposed parcels. (5/98)
- g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (5/98)
- h. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application; (5/98)
- i. Name of the PUD, subdivision, or manufactured home park. (5/98)
- j. Date the drawing was produced. (2/01)
- k. Vicinity sketch showing location of the proposed land division. (5/98)
- l. Identification of each lot or parcel and block by number. (5/98)
- m. Gross acreage of property being subdivided or partitioned. (5/98)
- n. Direction of drainage and approximate grade of abutting streets. (5/98)
- o. Streets proposed and their names, approximate grade, and radius of curves. (5/98)
- p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (5/98)

- q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (5/98)
 - r. All areas to be offered for public dedication. (5/98)
 - s. Future Street Plan. Applicants for a subdivision, planned unit development, or manufactured home park shall submit as a part of their application, a future street plan. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (01/02)
- C. Supplemental Information. The following supplemental information shall be required for all PUD Preliminary Plan applications: (2/01)
- 1. Calculations justifying the proposed density of development. (5/98)
 - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (2/01)
 - 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site. (5/98)
 - 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed. (2/01)
 - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (5/98)
 - 6. Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code. (07/09)

3.108.05 Review Procedures

- A. Hearings Officer. All Preliminary Plans for subdivisions, PUDs, and manufactured home parks shall be heard by the Hearings Officer pursuant to the procedures set forth in Section 3.202.04. (2/01)

- B. **Time Limit.** Approvals of any preliminary plans for a subdivision, PUD, or manufactured home park shall be valid for one year after the date of the written decision. A Final Plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs or manufactured home parks, which do not involve the subdivision of property, shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse. (2/01)
- C. **Time Extension.** The City staff may extend the approval period for any subdivision, PUD, or manufactured home park for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing thirty days prior to the expiration date of the approval period. (5/98)
- D. **Reapplication Required.** If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Hearings Officer. The applicant will be subject to all applicable standards currently in effect. (5/98)

3.108.06 Review Criteria

Approval of a subdivision, PUD, or manufactured home park shall require compliance with the following: (2/01)

- A. The proposal shall comply with the applicable development standards in Section 2.405 and Section 2.3, as appropriate, including provisions for streets and utilities. (5/98)
- B. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved. (5/98)
- C. Adequate public facilities shall be available and shall serve the existing and newly created parcels. (2/01)
- D. **Rough Proportionality.** Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (01/02)

3.108.07 Form of Final Subdivision Plat

- A. **Final Plat Requirements.** The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor. (2/01)
- B. **Owners Association.** Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. (5/98)

1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat. (5/98)
 2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. (5/98)
 3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review by the Planning Commission. (5/98)
 4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat. (5/98)
- C. Subdivision Names. All plat names shall conform to ORS 92.090. (5/98)

3.108.08 Final Plat Review of Subdivisions

- A. Final Review. The final subdivision or planned unit development plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat by signing the final plat. (2/01)
- B. Filing Final Plat. The final subdivision plat shall be filed with the Marion County Clerk's Office. (5/98)

Chart of time lines for other jurisdictions

Jurisdiction	Expiration	Extensions
Salem	2-years	(Four) 2-year extensions allowed
Albany	3-years	(One) 2-year extension allowed
Silverton	3-years	(One) 1-year extension allowed
Eugene	3-years	No extensions allowed
Independence	2-years	(unlimited as long as approved by PC) 6-mont extension
Stayton	1-year	(One) 1-year extension allowed
Corvallis	2-years	No extensions allowed
Marion County	2-years	(unlimited as long as approved by staff) 1-year extension
Woodburn	3-years	(One) 1-year extension allowed
Hillsboro	2-years	(Two) 2-year extensions allowed