MINUTES
KEIZER CITY COUNCIL
Monday, October 18, 2004
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:03 pm. Roll Call was taken as follows:

Present:
- Lore Christopher, Mayor
- Jacque Moir, Council President
- Richard Walsh, Councilor
- Jim Taylor, Councilor
- Judy K. Smith, Councilor
- Chuck Lee, Councilor
- Michel Gaynor, Councilor
- Delilah Calhoun, Youth Councilor

Staff:
- Susan Gahlsdorf, Acting City Manager
- Shannon Johnson, City Attorney
- Rob Kissler, Public Works
- Nate Brown, Community Development
- Chief Marc Adams, Police Department
- Tracy Davis, City Recorder

FLAG SALUTE

Councilor Lee introduced one of the most outstanding citizens in the city of Keizer, President of the Keizer Chamber of Commerce, Mary Opra, to lead the flag salute.

PUBLIC TESTIMONY

Mary Opra stated that she was representing the McNary Cheer Boosters and introduced *Alicia Webber*, the cheerleading coach at McNary. Ms. Webber invited everyone to the first annual "Fan Frenzy" at McNary High School. This event is to honor Keizer businesses that do so much for McNary. It will begin Friday at 4pm at St. Edwards Church where there will be a "Noise Parade" followed by a carnival at McNary and the big game against McKay.

Susan Keen, 7448 Kayla Shae Circle, Keizer a member of Traffic Safety Commission reported that she had attended the Oregon Transportation Safety Conference put on by ACTS (Alliance for

Community Traffic Safety) Oregon and reviewed the handouts she had received and the workshops she had attended. She extended an invitation to the next Traffic Safety Commission at 6 pm on Thursday, October 28. Councilor Gaynor encouraged everyone to turn their headlights on when driving on dark, dreary days.

PUBLIC HEARING

a. Keizer Station Master Plan – Area D and Major Variance (Setbacks)

City Attorney, Shannon Johnson, explained that the matter was before Council in a quasi judicial hearing for Area D Master Plan. He suggested that the reading of the exact list of criteria set forth in the staff report be waived and asked if anyone objected. There were no objections. He added that any questions could be brought up during testimony and that testimony arguments and evidence must be directed toward the criteria in the Comprehensive Plan or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. In addition any failure by the applicant or others to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the Council or its designee to respond to that issue precludes an action for damages in Circuit Court. He noted that if anyone had any objection as to conflict of interest, bias, jurisdiction, notice and opportunity to be heard, it should be brought up at the time of testimony and any Council members wanting to disclose conflict of interest, bias or prejudice on this case should do so at this time.

Community Development Director Nate Brown noted that the staff report outlined the requirements contained in the various code provisions of the city: requirements from the Keizer Station Plan, the zone requirements, development standards and the activity center overlay which is why there is a degree of repetitiveness.

He complimented his staff and the applicants and noted that the application for the Master Plan variance refers to the triangular 15 acres south of Chemawa Road bordered by the railroad and Salem Parkway/I-5 roadway. The applicant is proposing to develop 149,700+ square feet of floor space including office, industrial, flexible use, restaurants, gas station and retail as specified in the IBP zone. The application is linked with the Master Plan approval for Area A because the Transportation System Plan devised for these areas is related.

Councilor Moir asked Nate to explain:

- *Why the park and ride spaces time was only until 5 pm.* Nate stated that these spaces were not intended to be "timed", so cars could be left there after that time.

- *What is meant by: "Concem should be given when locating the loading areas in conjunction with the limitations of delivery truck mobility."* (Page 22) Mr. Brown explained that the footprints are basic outlines of the buildings as they will be constructed because the specific designs of the buildings and their tenants is as yet undetermined. The intent is that the truck loading issues will be reviewed as the specific design is submitted for review. He added that truck deliveries are flexible depending on the tenants and specific uses. That is why staff supports the concept of showing an overall site plan allowing specifics to be identified later.

Mayor Christopher asked Nate to explain:

- *If Page 34 "Walkways" is identical to Area A.* Nate replied that the development standards were changed so that shared walkways adjacent to buildings shall be 8 feet wide. The walkway requirements that have been worked out with the applicant are mostly concerning the public street – the loop road. Those not included in the public street are governed by the Development Standards. Common sidewalks will be a minimum of 8 feet; single-purpose sidewalks can be down to 5 feet. The applicant has indicated a minimum of 6 feet.
- *If there are varying rooflines.* She noted that these look different from the varying rooflines in Area A. (Exhibit 8b). Nate explained that the rooflines match up with Area A with varying heights, but because of the differing materials, it is hard to see. The design requested by the applicant shows flat roofs of varying heights but not variation with facades or peaks. Roof plan: Exhibit 8a, shows that there will be different treatments of the roof.

Mayor Christopher opened the public hearing.

Eric Scott, 7905 Slab Creek Road, Neskowin; representing Chemawa Station LLC, 9165 Grand Ronde Road, Grand Ronde, Oregon addressed Council stating that he is the Tribal engineer and introduced *Ken Deener with KJD Architecture, 536 SE 17th Avenue, Portland, Oregon* as well as others involved in this application. He explained that because he had worked closely with so many professionals, he was confident that the systems had been designed appropriately and would complement each other. He continued explaining the plans for the development including flexible office space, second floor office space, flexible office retail space, flexible office light retail, warehouse and distribution, commercial retail, a high-end sit down family restaurant, a drive-through food outlet and a gas station with single quick food outlet.

Councilor Walsh asked:

- *What sort of street lighting and traffic control would be in place coming in from Area A.* Mr. Scott replied that there are no signal lights in place, but the appropriate chases and electrical hookups are built in to the infrastructure for future traffic control. There will be a stop sign on the interior access road but the loop road will not stop in order to maintain good traffic flow to and from Area A. There will be stop signs for parking and control for the primary drives into the building sites but no stop signs are anticipated on the internal access road. Because the area around Buildings 4 and 5 has a warehousing and distribution component, there is a larger paved radius to accommodate large trucks. The intent is that trucks would access the site via the westerly service road, identified as the primary trucking route for the distribution warehouse facility as well as most of the other light industrial elements.
- *For an explanation of the bike path system.* Mr. Deener explained the system using a map and fielded questions from Council.
- *If there was an estimate on how many people would be in the buildings on any given day.* Mr. Scott introduced Hermanus Stuin, *Kittleson & Associates, 16 SW Alder Street, Portland, Oregon* to speak on the traffic projections. Mr. Stuin stated there would be about 200 people exiting the site during peak hours and about 100 going in. Off peak hours would be less.

Mayor Christopher asked Nate Brown to explain the bike situation at the Industrial Business Park off Cherry Avenue which is also a privately owned public road like the roadway in Area D. Mr. Brown explained that once a roadway leaves the Public Transportation System, the bike and vehicles share the internal circulation.

Mr. Walsh questioned why this internal road was not being designated as a public road. Mr. Brown explained that it had to do with design speed rather than volume of traffic. The applicant is including other amenities, such as pedestrian crossings of different material and texture so that automobiles will be aware that this is a different system with pedestrians having dedicated pathways. It will have a boulevard feel with a center planting strip to reduce speed. He concluded that there is a trade off of expenditure resources: creation of a main thoroughfare vs. a changed feel of the transportation element as it enters into the private development.

Shannon Johnson pointed out that because Area D is a commercial development and not a subdivision it does not fall under the specific requirements regarding private streets.

Discussion then focused on the necessity of a bike lane on the road.

Mr. Stuin responded that there had been discussion with ODOT and an eastbound right turn lane is planned in the future so between the through lane and the right turn lane, there will be a bike lane. There will be re-striping on the bridge putting six lanes together with bike lanes. Mr. Walsh voiced concern over "pockets" with no bike paths. Nate Brown responded that staff concern was to make sure there was a connection between the regional bike system, the project as a whole and the corner. He pointed out the steep grade in certain areas and reminded Council that this a 15-acre area is much smaller than Area A.

Using a map, Mr. Deener explained the series of detention areas pointing out that the drainage goes into a native planted swale, gets cleaned and slowed down, and ends in the catch basin. The ornamental water feature is actually a major detention facility.

He explained that all aisles in the parking area are 24 to 30 feet wide with a 120 foot diameter fire truck dead end allowing for service of the future water tower and for larger scale trucks on the back side of the building.

Mr. Deener referred to Exhibit MP6 – rooflines, stating that it is a series of volumes breaking up continuous lengths of wall by using variable materials. Nate added that the proposal is to use different materials and heights. Mr. Deener explained the features adding that canopies will add richness and variation.

Before Council took a 10-minute recess, City Attorney Shannon Johnson reminded Councilors that during the break they should not discuss the matter with anyone other than Nate Brown.

Upon return from the recess, Mr. Brown explained that the application also includes a request for a major variance from a 20-foot setback including parking, building and paved areas, down to a minimum of 10 feet. This is because the interior of the loop road is very constrained with limited access. Because of these constraints and because applicant is providing park and ride facilities to mitigate public impact, staff felt they could support the variance. Shannon pointed out that this particular "Park & Ride" actually referred to carpool parking.

Mayor Christopher closed the public hearing.

<u>Councilor Moir moved to adopt the staff findings and recommendations outlined in the staff report and direct staff to prepare an appropriate order approving the master plan and major variance pursuant to conditions and findings set forth in the attached staff report. Councilor Gaynor seconded.</u>

Mayor Christopher offered a friendly amendment that the applicant work with Nate to exaggerate roof lines for Tenant 1, Building 1 and Building 7 (the retail buildings) so there are definite variations in height consistent or compatible with Keizer Station.

Mr. Brown read condition #27 adding that the recommendation is that they implement the same kind of standards as for Tenant 1 retail building. The intent is that the retail areas would have varied vertical elements. Referring to the friendly amendment, Mr. Brown clarified that it would be appropriate to add language that said "elevations of the retail buildings shall implement the design submitted with the application with the vertical elevations being exaggerated beyond what is shown."

Councilor Smith questioned if this would make these buildings look different than the other half of the buildings adding that as Mr. Brown had explained it, she thought they looked fine. Mr. Brown referred to a larger drawing with dimensions of the buildings showing a 3- to 4-foot difference on each one.

Councilors Moir and Gaynor accepted Mayor Christopher's friendly amendment.

Councilor Walsh stated he would be voting for this adding that he appreciated the tribes working with the city, the park and ride system and the bike trails and he looked forward to a nice restaurant.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Smith, Gaynor and Lee (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. Amendment to Keizer Station Master Plan – Area A Case No. 2004-21

City Attorney, Shannon Johnson, explained that the matter was before Council in a quasi judicial hearing for the amendment to the Master Plan for Area A Keizer Station Village Center adding that testimony, arguments and evidence must be directed toward the criteria in the Comprehensive Plan or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. He noted that, if anyone had any objection as to conflict of interest, bias, jurisdiction, notice and opportunity to be heard, it should be brought up at the time of testimony adding that any Council members wanting to disclose conflict of interest, bias or prejudice on this case should do so at this time.

Nate Brown summarized the staff report noting buildings had to be varied in height and limiting the height to keep it on a human scale. Basically the height requirements were limited to that of the retail areas. Mr. Brown met with representatives from Lowe's to work out specific details and it became apparent that the restriction of 23 feet would not allow the development of Lowe's. Additionally, multi-story buildings would not be able to comply. The proposal is that the language about building elevation variations be retained and clarified in the Master Plan but the specific height limitation removed to allow the intent of the original submission.

Shannon Johnson pointed out that the height limits of the zone are still in place.

Mayor Christopher opened the public hearing.

With no one wishing to testify, Mayor Christopher closed the public hearing.

Councilor Moir moved to approve staff recommendation to amend the conditions of the Master Plan approval for Area A (File 2004-21) of the Keizer Station, adopt findings as outlined in the staff report, and direct staff to prepare an order for council adoption. Councilor Taylor seconded.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Smith, Gaynor and Lee (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

COMMITTEE REPORTS

a. Bikeways Committee Report

Bikeways Committee Report: Hersch Sangster, 832 Main Avenue, Keizer, Chair of the Bikeways Committee reported that the committee has continued to participate in the Helmet Diversion. Each quarter the Police and Fire Department and the Bikeways Chair will present a 2-hour "Wheeled Sports and Helmet Safety Class" for both kids and adults sited by the City for failure to wear a helmet. He commended Trevor Wenning for creating an outstanding Power Point presentation on this issue, and Jeff Turner and Bill Alguire for an excellent job on "EMT's Talk Tough". The Fire District and the Bikeways Committee have continued to have helmets for kids that need them. The Salem Bicycle Club had one of their annual rides this last month and made a donation to the helmet fund of $1 for every rider. Mr. Sangster then presented a check for $677 to Council adding that this money will probably keep the City stocked in helmets through the spring.

Mr. Sangster added that the committee has been involved in the Fire District Open House, Dayspring and other bicycle rodeos this past year, members have attended River Road Renaissance events and RIVERR Task Force (Keizer Rapids) meetings to provide input. Additionally, Mr. Sangster reported that he had acted as liaison between Salem Bicycle Club and the Keizer Police to develop a safe route during the "Monster Cookie" Ride which resulted in a lot of positive feedback. In 2002 the committee received the BTA award for the helmet program and last year received the nomination again from ODOT for helping get safety grants so Keizer elementary schools would have training materials on bicycle safety.

Mr. Sangster continued that the Bikeways Committee is at a crossroads because two members have retired and the student position is still vacant. There has been informal discussion within the committee as to purpose and direction and it has been determined that it is important to continue providing input as the community develops. Volunteers have agreed to apply for the vacant position but there is still an opening in the student position. Mr. Sangster noted that he needed help from Council regarding residency of committee members and requested that membership include people owning businesses in Keizer but not necessarily living in the city. Mayor Christopher asked acting City Manager, Susan Gahlsdorf, to put a resolution addressing this issue on the next agenda.

Councilor Moir encouraged Mr. Sangster to talk to Youth Councilor Delilah Calhoun to find a student to fill the vacant position. She also suggested that the Helmet Safety Power Point program be put on Channel 23, perhaps on a "Cop Talk", and asked Mr. Sangster to contact Captain Kuhns on the matter. Responding to inquiry from Councilor Smith regarding the "education" position on the committee, Mr. Sangster noted that it was still vacant but that it could be filled by a non-bicyclist; it could be an LSAC chair or a parent of a student. Councilor Taylor wondered what could be done to encourage more universal use of helmets by children riding their bikes to school. Mr. Sangster responded that helmets are being supplied to school children for a "positive vs. punitive" approach. Councilor Walsh commended Mr. Sangster for his leadership on the committee and the resultant accomplishments.

Mayor Christopher suggested that Volunteer openings be posted on Keizer 23.

OTHER BUSINESS
- **New Business**
- **Old Business**

Councilor Walsh reported that
- The Mid-Willamette River Connection group met on the water trail. The first draft of the inventory is on the Willamette Restoration Initiative web page oregonwri.org. Any suggested changes should be directed to Mr. Walsh. Potential partnerships have come up with DSL, some youth groups, and Boy Scouts.
- Sub-groups of the RIVERR Task Force have been working on the Land and Water Grant and it is almost ready for submission. Councilor Walsh commended Mark Brown of the Bureau of Land Management and Keizer's Nate Brown for their dedication and on-going efforts.

Councilor Gaynor reported that Government Affairs through the Chamber of Commerce had put on a luncheon with the presentations from various political candidates and then had some debate on the SAIF issue. He noted that for a small group in a small city, it was a tremendous luncheon allowing for good public education and he commended the Chamber for a good job.

Councilor Smith reminded everyone of the Keizer United Community Forum on October 19 at 6 pm at Keizer Fire District.

Councilor Taylor reported on Keizer Points of Interest Committee. Jerry McGee had met with a distant relative of Thomas Dove Keizer and through some journals and the family Bible they found that his first home was built on the site of the Wallace house. This information may make it easier to pinpoint the location of the Wallace house.

Councilor Moir reminded everyone that Saturday, October 23 EVAK (Emergency Volunteers Assisting Keizer) training will take place.

Chief Adams reported that
- Pursuant to direction from Council, the KPD has been documenting complaints regarding school zone signage for 30 days and there have been no complaints.
- Keizer Peer Court is moving along. Training is nearing completion and referrals from Marion County Juvenile Department will begin the first week in November.

Community Development Director, Nate Brown, reported that finishing touches are being put on the RIVERR Task Force grant. He thanked the City for sending him to the Pacific Program adding that it was grueling but worthwhile.

City Attorney, Shannon Johnson, reported that the 9th Circuit Court ruled mainly in favor of the City in the Qwest issue, but he has no further details at this time.

Susan Gahlsdorf reported that there were new faces in the Finance Department: Sara Sol, Court Clerk/Receptionist Specialist started on the 11th and a temporary employee, Lisa Newcomb, has been hired to help with work load. She started on the 18th and should be with the City for approximately 6 weeks.

ADMINISTRATIVE ACTION

a. RESOLUTION – Endorsement of the Youth Compact

Acting City Manager, Susan Gahlsdorf, referred to the staff report pointing out that the issue before Council is "Shall the five partners in the Youth Compact reaffirm their participation by adopting the recommended joint resolution?"

Councilor Moir moved to adopt Resolution R2004 Endorsement of Youth Compact. Councilor Lee seconded.

Councilor Lee pointed out that by passing this Resolution the city is endorsing Youth Compact and its work on behalf of our youth, committing to be an active, participating member of Youth Compact by adopting the strategic goal of being an asset-building organization, pledging participation by appointing elected officials to participate actively in the business of Youth Compact, and appointing staff members or other representatives to participate in the work of the Youth Compact Design Team.

Councilor Walsh pointed out that the Youth Councilor position goes along with this entire idea and it is important to empower youth through this program. Councilor Smith pointed out that her position with Youth Compact would be vacant when she leaves Council in two months.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Smith, Gaynor and Lee (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

A. **RESOLUTION – Approving Engineer's Report for Lent Estates Street Lighting District**
B. **RESOLUTION – Approving Engineer's Report for Barnick Road Infill Project Street Lighting District**
C. **Approval of September 7, 2004 Regular Session Minutes**
D. **Approval of September 13, 2004 Work Session Minutes**
E. **RESOLUTION – Authorizing City Manager to Enter Agreement with Gelco Construction for Chemawa Road Storm Drain Improvements**

Responding to a request by Councilor Moir, Public Works Director, Rob Kissler, reported that it was hoped the Chemawa Road project would begin within the next 30 days and it will take 90 days to complete. It consists of the main line section of the storm drain from Claggett Creek Park along Chemawa Road to 7th Avenue. The next phase will be the crossings and the catch basins. There will be some traffic delays; drivers will be encouraged to use alternate routes.

Councilor Moir moved to approve Consent Calendar. Councilor Smith seconded.

Motion passed unanimously as follows:

AYES: Christopher, Moir, Walsh, Taylor, Smith, Gaynor and Lee (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

WRITTEN COMMUNICATIONS

Councilor Walsh reported that the League of Oregon Cities is having a training session on the Formation of Youth Advisory Committees. If Keizer is interested, LOC has requested participation in a breakout session. He concluded that he would be willing to attend. Mayor Christopher asked Councilor Walsh to get more information on it.

Mayor Christopher read an invitation from the City of Beaverton Mayor's Youth Advisory Board to "Youth Boards Together", an event intended to provoke the discussion of Youth Boards and the roll they play in their local government and community, held at the 79th Annual League of Oregon Cities Conference on Saturday, November 6 at the Portland Marriott.

AGENDA INPUT

October 25, 2004
- 12:00 p.m. City Council Work Session
  - No Meth in My Neighborhood

November 1, 2004
- 7:00 p.m. City Council Regular Session
  - Keizer Little League Lease Agreement

November 8, 2004
- 12:00 p.m. City Council Work Session

November 15, 2004
- 7:00 p.m. City Council Regular Session

ADJOURNMENT Mayor Christopher adjourned the meeting at 10:18 p.m.

APPROVED:

MAYOR:

Lore Christopher

Debbie Lockhart, Recording Secretary

COUNCIL MEMBERS

Councilor #1 – Judy K. Smith

Councilor #4 – Jacque Moir

Councilor #2 – Michel Gaynor

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:

November 15, 2004