M I N U T E S

KEIZER PLANNING COMMISSION
Wednesday, October 17, 1990
Keizer City Hall

CALL TO ORDER

The meeting was called to order at approximately 7:30 p.m. by City Manager Otterman, for lack of a Chairman.

ROLL CALL

The following Planning Commissioners were present: Dawn Meier, Marty Matiskainen, Mark Grenz, Jerry Watson and David Siegel (Commissioners Dunn and Youse were absent). Also in attendance was Mike Hart, John Morgan, Shannon Johnson, Don Otterman, Scotta Callister of the Keizertimes and John Spencer. Staats Lake/McNary Estate representatives included: Ernest Fish, William Staats, Al Miller, Mary Hardison, Sandra Staats, and Clifford Curry.

ELECTIONS OF OFFICES

Dawn Meier moved to appoint Jerry Watson as Planning Commission Chairman. The motion was seconded by Mark Grenz. The motion was put to a vote and passed unanimously.

Dawn Meier moved to appoint Lee Dunn as Planning Commission Vice-Chairman. The motion was seconded by Mark Grenz. The motion was put to a vote and passed unanimously.

APPROVAL OF MINUTES

It was moved and seconded to approve the August 15, 1990 Planning Commission meeting minutes as written. The motion was put to a vote and passed unanimously (Commissioners Dunn and Youse absent).

ORIENTATION

Community Development Director Morgan offered his services to all Commissioners, especially with the addition of new Planning Commission members and officers.

FMAGIC

Chairman Watson said he has been a Commissioner for several years and is a Political Science Professor, working out of his Portland office.

Mark Grenz has a consulting engineering office in Salem where many land use/subdivision engineering

planning cases are worked on. He has been a Keizer Commissioner for one year.

Dave Siegel is a city planner, employed by the City of Portland. He will be transferring to Salem.

Marty Matiskainen is an Architect with the firm Saabe, Gribskow & Carlson. He and his family moved to Keizer, from Montana, four years ago.

Dawn Meier has lived in Keizer for 22 years. She is employed with the Salem/Keizer School District in the Facilities Planning/Construction/Property Management Division. She has been on the Commission for approximately one year.

Don Otterman, Keizer City Manager, has been employed with the city for approximately 1-1/2 years. He has been actively involved with the Commission's activities.

Shannon Johnson, Keizer City Attorney, is employed with the firm Lien & Hobson. He processes most of the land use work for the city and has been actively involved directly with the Planning Commission for over a year, and indirectly for over five years.

REVIEW
Planning Documents

A copy of the Keizer Comprehensive Plan, Public Hearings Procedures and R83-028 regarding adopting rules of procedure for public hearings before the City Council were mailed out to all Planning Commissioners prior to tonight's meeting.

John Morgan said the Comprehensive Plan is presently under revision, with some final points being re-negotiated with the City of Salem. The final conclusion to the matter should be reached within a matter of months, he said.

He feels the Zoning Ordinance is somewhat antiquated and interest has abound to have it revised.

The major project facing the city is the urban renewal program, which is something the Planning Commission might want to review.

Dave Siegel requested copies of the Subdivision & Partitioning document, Zone Ordinance and Comprehensive Plan. It was also suggested that the three documents be copied and inserted into binders

for each Commissioner. In addition, Mr. Otterman wished to have the Commissioners supplied with copies of the latest Urban Renewal Plan draft and Sign Code.

Mr. Morgan questioned Mr. Johnson that given recent State case law, a number of jurisdictions are opening their hearings with a reading of the participant's rights. He questioned whether the city's elected officials should also undertake this process. Mr. Johnson said he has discussed this matter with Joe Hobson and said, although it may not be necessary, it would not hurt to incorporate this process. He does not want to discourage the informal atmosphere of the Council regarding hearings, however.

As a work item, before the next Commission meeting, Mr. Morgan feels is would be beneficial to note the matrix of the planning procedure process for the Planning Commissioner's review and possible revision.

DISCUSSION
Staats Property
Development

Mark Grenz announced that his participation in this discussion would create a conflict of interest on his part, since his firm represents McNary Estates project. He will, however, participate in the discussions, in the best interest of his client, if needed.

Mr. Otterman said the Staats Lake representatives are proposing to develop their property (located south of McNary Estates), which is located in the McNary Activity Center designation. The Activity Center designation requires a comprehensive plan of development for the property within the boundaries of that Activity Center designation. One of the requirements in the Comprehensive Plan is there be an overall plan of development, prepared for the Activity Center, and then the applicant must show how their proposal ties in with the overall Comprehensive Plan for the area.

The Plan encourages the development of the Staats property be integrated with the development of the McNary Estates property. However, the McNary Estates property is not within the Activity Center. The word "integrated" is not fully defined in the Plan.

Regarding the Activity Center designation, the Plan

discusses the location of a civic center on the Staats Lake property, which will not transpire. Therefore, from that standpoint, the Plan is out of date.

There is a street shown in front of Keizer Elementary School as a collector street on the Comprehensive Plan, tying into another collector street, running westbound to Windsor Island Road. The streets within the McNary Estates development are private streets. The proposal is to develop private streets on the Staats Lake property, as well.

The McNary Estates development is required to have a secondary access by the time 350 building permits have been issued. Presently, 230 permits have been issued.

The sewer and water lines, extending from the McNary Estates project to the south and connecting to Lockhaven, traverses down McClure which dead ends north of the Elementary School, and then crosses an easement into the McNary Estates project. The second access, if constructed in that location, must traverse across the Staats property. Staats representatives are concerned that extension of the road in that location would divide their property and divide useable areas that would otherwise be tied together.

The Comprehensive Plan designates a public park to be located in that general area. There is some question as to where that public park should be located. The McNary Estates development has been required to contribute $100.00 per lot towards the improvement of that public park. They have been contributing the money towards the development of the park but there is a question whether the park should be located north of the Elementary School or at a different location.

In a meeting held approximately three weeks ago, staff discussed these issues with Staats Lake and McNary Estates representatives. Mr. Otterman felt there were so many inconsistencies with the Comprehensive Plan, that the Plan might be out of date in some aspects. Mr. Otterman would like the Commissioners to review the Comprehensive Plan and determine whether an amendment to the Plan should be undertaken. If so, public hearings would be mandated, with final approval granted by Council.

The McNary Estates development has been developed as a private community, with private streets. The property owners in that development have purchased the property with the understanding that it will remain a private community with regulated access to the development. There is some concern that if a secondary access is constructed, which is tied to other properties, it will bring in additional traffic. That would change the overall concept of a private development, Mr. Otterman said.

Mr. Spencer provided background information on the Staats Lake property by saying he and Clifford Curry have been working with Staats Lake representatives for approximately six months. Their charge has been to develop a master plan. In doing so, a design plan is required by the Comprehensive Plan to fulfill the requirements for the Activity Center. The Activity Center includes all of the Staats Lake property and some additional frontage along River Road and a triangular wedge of property along the east side of River Road.

Various different schemes of the property have been developed, market studies have been conducted, and the constraints of the site have been analyzed. In addition, soil conditions have been reviewed. The lake is approximately 60 acres. The total property is approximately 142 acres. There is a wetland corridor along Claggett Creek that meanders through the property into McNary Golf Course. This wetland area represents approximately 5 acres of the property. The development plan would include approximately 80 acres of developable property around the perimeter of the property. The program concept is to develop a "village center", which would include 11 acres of retail/office with access from River Road, about 10 to 15 acres of high-density apartment complexes, most likely located close to the commercial area on the site and some 15 acres of attached housing in medium density range. In addition, approximately 43 acres of single family housing. The total number of housing units is approximately 400+, to be built around the lake. Another type of housing that is under consideration are house boats on the lake, to be located primarily on the eastern and southern portion of the lake. In order to take full advantage of the lake, a floating restaurant has also been placed under consideration, a small marina for sail boards, small sail boats, paddle boats, rowing boats could also be built.

A pedestrian pathway, surrounding the lake,

connecting to McNary Estates to the north and the school site, and possibly connecting into Claggett Creek wetland area, has also been mentioned as a possibility.

In response to a question raised regarding the ownership of the wetland area, Mr. Spencer said the entire area, including the lake would be privately owned. The wetland area would be designated as open space but privately owned.

Mr. Watson is dubious that the public interests would be protected should the entire Staats Lake area be kept in private ownership.

Mr. Spencer said their intention is to build the project that has public access to the water front, commercial areas, and open space with a pedestrian pathway. Liability and maintenance of open space, particularly the wetland areas, could be better and more effectively be accomplished through a Homeowner's Association, with some mechanism that gives the city assurances that there will be some public access to the site.

Dawn Meier questioned whether the Homeowner's Association would be making the rules as far as accessibility of the site for the general public. Mr. Spencer responded by saying there are many ways in which to write a Homeowner's agreement that outlined what the Homeowner's Association would control, what control the city would maintain, etc.

Mr. Watson would like to see a situation develop in which everyone is satisfied. Perhaps that can be done by establishing an agreement about use, he said.

Regarding the language in the Comprehensive Plan (i.e. page 51), Mr. Spencer said this language is out dated and Council will need to amend the language regarding Activity Centers or part of the Design Plan will need to be amended and included as a part of the Comprehensive Plan.

Regarding Chapter III(h)(5)(a) of the Comprehensive Plan, Mr. Spencer feels the intention of that objective can be met as far as providing open space, park and accessibility, without having the property become public use, and subject to public maintenance responsibility.

Chapter III(h)(5)(b) discusses integrating McNary Golf Course, and as has been pointed out, McNary

Golf Course is not included in the Activity Center. The original concept and use of the word "integrate" is that the Planning Commission and the group that put together the Comprehensive Plan saw the Staats property and the McNary property where the center of Keizer could be established.

Mr. Spencer said the McNary Golf Course is not contiguous to the Activity Center and is not contiguous to the Staats property. Therefore, it is virtually impossible to integrate the two sites. Since the Golf Course is not included in the Activity Center, it is not subject to the same requirements that the Staats property will be.

Mr. Watson questioned what are the exact boundaries of the Activity Center. Mr. Spencer said in the Comprehensive Plan, the Activity Center runs along the northern portion of the Staats property and includes some of the area to the north of Staats property, within the commercial part the McNary Estates development, and includes a triangular portion of land on the other side of River Road (Mrs. Jungwirth's property, and Courthouse Athletic Club). It does not include any of the current McNary Estates development.

Mr. Spencer clarified that the Staats Lake representatives are proposing there are a number of ways for providing for a second access to McNary Estates property without having a direct access to McNary which would create a great deal of traffic. Keeping in mind that McNary Estates streets are private, the Homeowner's Association will need to approve any street connections, not the city.

Mr. Otterman said the Comprehensive Plan shows McClure Street extended as a collector street and as a second access. The water and sewer lines were constructed to tie into McNary Estates development and extend from McClure up to McNary Estates Drive. The McNary Estates development, according to the developers, was laid out in such a way that they left an area for a turn-around, or cul-de-sac, at the end of McClure.

Mr. Watson questioned whether McNary Estate representatives are asking for McClure Street. Mr. Otterman responded in the affirmative.

Mr. Watson questioned whether it would not be better, from a traffic flow objective, to create a collector street from Windsor Island Road through to North River Road and include the McClure

connection. Mr. Spencer said from a planning and traffic circulation point of view, that suggestion would be the desirable alternative.

Mr. Fish said his representatives went before the City Council two years ago and they requested a traffic study before McNary Estates developers could obtain final approval. A turn-around was required and was constructed. Mr. Fish, who represents Hillman Properties, wrote a letter addressing the City Council stating Hillman has spent $465,000 for off-site improvements. In addition, after final approval, houses and condos have been sold. Mr. Fish warned that if a public hearing were to be held on this second access road, the Council would be inundated with opposition from McNary Estates residents.

In response to a question raised regarding building the second access to the east, Mr. Fish said that would still cut up his property. In addition, McNary Estates developers were required to pay $100.00 per lot for a park, which the Comprehensive Plan designates as sites built adjacent to schools.

Mr. Grenz wanted to clarify that the McNary Estates outline plan, which showed McNary Estates Drive and connector streets, was approved by the Keizer City Council prior to any activity taking place on the Comprehensive Plan. This approval was granted in 1983, right after the city was formed. Therefore, there was no attempt to ignore the Comprehensive Plan's goals when the McNary Estates project was approved. All McNary Estates developers request, Mr. Grenz said, is that the second public access be built in an area where they have designated, based upon the previous directions given to the developers in the past by the city. They are not interested in being incorporated into the Activity Center.

Chairman Watson asked for any public testimony regarding this matter to come before the Commissioners.

William Staats, a stockholder in Staats Corporation, owners of the property, gave the following testimony. He is sympathetic with the community on a majority of issues but said the 20" sewer line was installed as a temporary sewer line. A 36" sewer line designed to be installed out to Windsor Island Road. Staats Corporation has also paid their dues to install the sewer line. Even though the Staats Lake property is not utilizing

the sewer line at this time, it was imperative the line be installed.

Mr. Otterman presented the city's position on the matter by saying the collector street, as shown in the Comprehensive Plan, is the most logical place for the second access. Without an amendment to the Comprehensive Plan, that street should be constructed. He is concerned that a secondary access, from one property to another property to a public street, must traverse across private streets. If the Homeowner's Association wishes to close off the street, the city has no say in the matter, without condemning those streets as public to keep them opened. If that scenario is played out, there will not be any second access to the property. That would prove dangerous for emergency vehicles that might be summoned to the site.

Mr. Otterman clarified that the development of the property cannot take place unless the development is consistent with the Comprehensive Plan. If the Planning Commission determines that there is no need, at this point, to amend the Comprehensive Plan to change the designation of the street, then lack of action on amendment to the Comprehensive Plan would then make them comply with the Plan, and assure the street would be extended through. This matter came before the Commission as a study session to obtain the Commissioners's feelings on the matter.

Chairman Watson questioned whether the city is making any recommendation to the Commission as to what, if anything, the Commission should do to amend the Comprehensive Plan. Mr. Otterman responded by saying the Comprehensive Plan needs to be amended regarding the designation of the Civic Center and park. The Plan, composed prior to the building of Keizer Elementary School, does not display the school and park in their proper respective sites. The concept was to develop the park adjacent to the school to make joint use of the park for a children's play field.

Shannon Johnson is of the understanding that the Activity Centers are not to be developed until a plan for the Activity Center is adopted. Once the plan is adopted, he questioned whether a separate application for a planned unit development was needed. He questioned where the Staats application process stood at the moment. Mr. Spencer said Staats representatives are in the process of preparing a design plan for the entire Activity

Center.

Mr. Johnson then asked if the application would be introduced concurrently or would the Activity Center plan be adopted first before hearings took place on the plan unit development. Mr. Spencer said this has been discussed with the Planning staff, and the City Manager. Originally, it was decided to introduce the application concurrently and then it was decided to get the design plan through the process first, to be followed with the plan development application for the Staats project.

Mr. Johnson questioned whether a plan unit development application would not be just be a shell to be adopted at a later date. Mr. Spencer said it would follow the PUD application process.

Chairman Watson is inclined to think that the issues presented here are very large in nature and feels the public attendees would like to see some conclusions made regarding the matter. However, issues regarding public access, roads, community development, etc., need further discussion. More specifically, Mr. Watson is inclined to think that McClure Street should remain based on a hearing the City Council recently held regarding Wilark Park.

Dawn Meier feels McClure Street should remain a public street, and with children present, will maintain a 20 mph zone. She feels McNary Estates residents will utilize this second access.

In response to a question raised, Mr. Otterman said he would like to see the Commission initiate a Comprehensive Plan amendment to clean up some Civic Center wording. The Commission needs to address the park location issue as quickly as possible to provide the developers with an idea where the park location will be developed.

Chairman Watson said it appears it is the consensus of the Commissioners that McClure Street should be expanded, and remain a public street. He requested city staff to return to the Commissioners with language changes to the Comprehensive Plan and suggestions as to the future status of the park.

Mr. Johnson wished to point out to the Commissioners and audience, that this meeting is an informal work session and no application has come before the Commission. No formal evidence has been put on record. There is nothing preventing the

applicant from making, as part of the PUD application and other land use applications, a Comprehensive Plan change. At that time, the Planning Commission will most likely become involved. Mr. Otterman is of the opinion that the Comprehensive Plan amendment would be done at the same time that the overall master design plan is submitted.

Mr. Otterman said a motion is not required from the Commission at this time, on the matter.

DISCUSSIONS
Periodic Review

Mr. Otterman said, from a general standpoint, the City Council conducted an Executive Session last Monday night to discuss the negotiating position of the city as far as the Periodic Review process is concerned. Since this discussion occurred in Executive Session, Mr. Otterman was not at liberty to specifically reveal the content of those discussions. However, he said there are four issues still left unresolved, but three out of the four issues are close to becoming resolved. The issue regarding concurrence on Comprehensive Plan amendments, over 15 acres, has been resolved. Therefore, there will no longer be any concurrence requirements. The discussion regarding the urban growth boundary expansion is still subject to final negotiations, however, those negotiations are close to finalization. It seemed that the residential density standards issue was about to become resolved, however, Mr. Otterman recently met with Randy Franke and this issue is still on the table. The Willow Lake Treatment Plant issue is also still unresolved.

Future meetings, between city staffs, will be scheduled in an attempt to resolve these outstanding issues.

DISCUSSION
Chemawa Activity Center

Mr. Otterman said at the recent KBRAD meeting, the Chemawa Activity Center was addressed. Mr. Otterman discussed, with representatives of the Resource Group (the developer working on obtaining options to the properties on site), and was told they have secured options on all of the properties, which total 80 acres. They are actively seeking an anchor tenant for a shopping center. They are going to be, within the next week, assembling a time line for adoption of an urban renewal plan,

for which they will front the cost. The cost of the plan will be reimbursed to the Group from tax increment financing. At this point, it is anticipated that process will probably begin within the next 60 days and adoption of the plan is expected around May or June, 1991. As soon as the plan is adopted, then they will begin serious negotiations with the city regarding infrastructure, etc. The Resource Group, at this time, does not have an anchor tenant. They have found some major businesses which have expressed some interest in the project, however. In addition, the Resource Group is seeking a hotel chain/meeting conference center anchor tenant.

DISCUSSION
Subdivision
Review — Due to the lateness of the hour, Chairman Watson tabled discussion on the Subdivision review process.

OTHER
BUSINESS — Chairman Watson invited John Spencer to attend the next Planning Commission meeting to discuss revisions of the Comprehensive Plan with regards to the McNary Activity Center.

David Siegel discussed with City Attorney the possibility of a conflict of interest regarding his input into Keizer's Comprehensive Plan revisions. This conflict of interest is due to his involvement with the City of Salem. Therefore, Mr. Siegel is requesting to sit out of those negotiations.

Chairman Watson questioned whether the Planning Commission has the option of adjourning into Executive Session. Mr. Otterman responded in the negative and explained Executive Sessions are held for pending litigation and personnel issues. Therefore, all Planning Commission meetings are public meetings.

NEXT
MEETING — **The next Planning Commission meeting will be held on Wednesday, November 14, 1990, beginning at 7:30 p.m. at Keizer City Hall.**

ADJOURN — Chairman Watson adjourned the meeting at 9:30 p.m.

Respectfully Submitted By: Chris Moreland

Chris Moreland
Recording Secretary

Note: Minutes have been reviewed by John Morgan, Keizer Community Development Director.

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