KEIZER PLANNING COMMISSION MINUTES

Wednesday, October 13, 1999
7:00 p.m.
Keizer City Hall - Council Chambers

1. CALL TO ORDER

Chair Wolf called the meeting to order at 7:10 p.m.

2. ROLL CALL

The following members were present: Bill Wolf, Dick Inman, June Abbott and Jere Clancy

Absent: Dan Nelson and Bruce Anderson

Also present: Maria Meier-Associate Planner, Council Liaison-Jacque Moir, City Attorney-Shannon Johnson and Recording Secretary- Cindy Perry

3. APPROVAL OF MINUTES/September 8, 1999

Mr. Inman expressed his concern that his recollection of the retail sales issue were different than what was expressed in the minutes. He understood that staff would bring back to this meeting a proposed overlay zone draft and a public hearing would be set.

Mr. Johnson apologized for the misunderstanding thinking that the Commission was seeking options to consider in the overlay zone.

Chair Wolf moved to approve the minutes of September 8, 1999 as written. Mr. Clancy seconded the motion and carried, all present voting aye with the exception of Mr. Iman who opposed approval and Ms. Abbott who abstained whereas she was not in attendance of that meeting.

4. APPEARANCE OF INTERESTED CITIZENS

No interested citizens appeared before the Commission.

4. DEVELOPMENT REVIEW-

Subject Property located at 626 Apple Blossom Drive NE

Mr. Johnson introduced Associate Planner-Maria Meier. He indicated that this was an element of the new Development Code that listed certain development standards. Mr. Johnson noted that this case involved window area. He explained if an applicant wished to build a structure that was not in compliance with the design

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standards, the applicant had the opportunity to propose an alternative to the Planning Commission to determine whether it was an appropriate alternative.

Mr. Johnson introduced the applicant's, Mr. and Mrs. Mitchell, noting that their proposal was to reduce the window area on the front of the structure. Mr. Johnson read from the code noting "In the CM, CR and MU zones, all street-facing elevations containing permitted uses shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway opening." Mr. Johnson explained the purpose for the lack of a staff recommendation, as this would be the Planning Commission's determination. Mr. Johnson presented the information in the packet and indicated that this was not a formal hearing but would allow the applicant's to provide information to the Planning Commission.

Chair Wolf requested that Mr. Johnson expound upon the criteria that the Commission should base their decision on.

Mr. Johnson read the criteria from the Development Code.

Robert Mitchell, 1590 North Kings Valley Hwy, Dallas, OR-Speaking as the owner of the business. Mr. Mitchell indicated that aesthetics, safety and a functional intent had been met in their proposal. He explained that the off street parking was used on both sides (east and west) and that the entrance to the building was from the east and west and not from the street facing the elevation. He explained some of the aesthetics that they had used in the building and windows are located on three sides of the building. Mr. Mitchell shared that he felt their design was within the guidelines with the exception of the specific percentage value on the one street facing elevations. He requested the approval of the Planning Commission and agreed to answers questions.

Responding to questions, Mr. Mitchell indicated that the business would house a full-service snack bar with no vending machines. He noted that they own a similar facility in the Lancaster Street/Market Street area and this business would be similar to that. Mr. Mitchell shared on the north elevation he calculated approximately 128 square feet of window area or approximately 20% of the window area.

With additional questions, Mr. Mitchell noted he had reviewed altering the plan, but upon reviewing could not see a practical change and stated that he felt it would be detrimental to their business to make this adjustment. He noted some of the businesses in Keizer that he had inspected that currently do not meet these standards.

Ms. Meier noted that the new code was adopted in June 1998 after the completion of the stores in question.

Chair Wolf thanked Mr. Mitchell for his testimony.

Mr. Inman requested clarification of the window area in the business. Mr. Mitchell indicated that the total area of the wall was 640 square feet with 128 square feet. The Cities requirement being 320 square feet. He went on to explain that he felt the Development Code did not address the two sides and felt that they exceeded over 500 square feet of window area when adding the two elevations.

Mr. Inman expressed his concern that their proposal only covered 20% of window area and the requirement was 50%. He went on to state that he felt this was also a safety issue with the lack of window space for the police to be able to see into the building when driving past.

Each Commissioner expressed their concerns with the lack of window space under the new design standards.

Mr. Johnson explained the Commission had a fair amount of discretion in their decision, and noted that he had submitted two alternatives. He indicated that they could choose one of the alternative orders or approve the plan with a different window percentage.

The Commission continued to express their concern with granting a variance to the application without just cause.

Responding to questions, Mr. Johnson noted time constraints with the 120-day rule would defer from the Commission from requesting that the applicants return with a new plan since the Planning Commission only meets on a monthly basis.

At the Commission's request Ms. Meier went into an explanation of the 120-day rule.

Judy Mitchell- Shared the concept of the business as a self-service laundry. She indicated that they were attempting to supply a safe and homey atmosphere for their clientele. She indicated that they were more concerned with the safety of staff and clientele. Mrs. Mitchell stated with additional windows people from the outside would be able to observe the inside of the building easily. She also indicated that wall space was at a premium and if they were required to add more window space they would lose wall that they would use for display purposes.

Responding to Mr. Mitchell's questions Ms Meier noted that a number of communities developed their own standards to meet needs and requirements.

After additional discussion the following motion was made:

Mr. Inman made the motion not to grant the acceptation to the code to reduce the window area on the street side of the business located at 626 Apple Blossom, Keizer, Oregon. Mr. Clancy seconded the motion.

Mr. Johnson requested clarification of adoption of the order denying the application. The Commission indicated the clarification was correct.

Unanimous vote towards the motion.

6. PUBLIC HEARING

➢ *Drainage Standards.*

Chair Wolf opened the public hearing.

At the Chair's request Mr. Johnson reviewed the criteria of the public hearing. Mr. Johnson also reviewed the staff report with the Commission and public.

Eric Meuer, 412 Lakefair Circle North, Keizer- Representing the Marion/Polk Building Industry Association. Noted that a number of changes that had been made and had not been tested with the lack of a rainy season. He urged the Commission to arrive at an understanding of what was done and if this conformed to the geology and geography of the area to prevent the obstruction and redirection of flows of water. Mr. Meuer stated they were in favor of identifying the proper flows of water and the placement of a plan that would demonstrate this.

Mr. Meuer noted previous discussions of finished floor heights and stated that this height was not a measure whether the flow on the lot had been affected and this was of concern. He noted that they would be willing to demonstrate that the placement of a home on a lot would not obstruct or redirect the flow of the water. He shared that the additional permits and reviews that would be needed would actually be an incomplete way of determining the path of the water flows for the lot and surrounding homes. His solution would be to establish a drainage plan for the subdivision and then restate on each individual property that they would not deviate from this and any building would not redirect water as anticipated or planned in the site documents.

Responding to questions, Mr. Meuer shared that removal of the wording "finished floor elevation", and "elevation" from H 1 & 2 of the draft revisions adding that the drainage plan had been conformed with would allow this to meet the needs. He stressed he did not feel finished floor elevations were the issue, and information shown on a plan indicating how and where the lot slopes would be placed along with the judgement of an inspector would be a key issue.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem- Submitted written comments regarding the text amendment. Mr. Grenz shared a detailed drawing of drainage and grading plan that was part of their construction drawings for the development of subdivisions. He explained that the drawings include information that the public works department had required them to supply during the construction drawing approval process. Mr. Grenz indicated that these drawings help to assist the public works department to determine whether construction would be impacting surrounding property. He noted that the plan was not something that could be developed at the subdivision approval stage. Mr. Grenz stressed that he felt they would be able to deal with drainage without having to implement additional standards that would be difficult to achieve.

Responding to questions, Mr. Grenz indicated that he felt concern from engineers would be attempting to supply information that non-technical people could evaluate to determine whether their concerns are being addressed. He felt this was something that public works and the city engineer should evaluate.

Brenda Lee, 869 Boardwalk North, Keizer- Shared that she lived in the Vineyards subdivision. She shared her concern that surrounding properties had been raised one to two feet above their property and stressed with the rainy season coming up all the water wouls drain onto their property, destroying their fence and backyard. Ms. Lee questioned the amount of dirt that developers had left on the property and did not understand why it could not be moved. She felt it would not be in the best interest of the city to rely on developers and contractors common sense to see that the drainage issues were complied with.

Bob Ohrn, 7950 Timothy Lane NE, Keizer- Speaking as a representative of the Clearlake Neighborhood Association and indicated that comments had been submitted in the packet. Mr. Ohrn summarized the points of his letter indicating that currently the public had no opportunity to supply comment on proposed drainage plans for subdivisions. He indicated that history in the Clearlake area had shown that the method of public works following through with assuring that drainage does not impact surrounding property had not worked and they would remain skeptical until they have had the chance to review any changes. Mr. Ohrn indicated he would be happy to show the Commission subdivisions containing these drainage problems and went on to state the Clearlake Neighborhood Association supports the comments in the letter submitted by KNAG that was contained in the Planning Commission Packet.

Mr. Ohrn shared that he felt the city should have a role in enforcing whatever drainage structure that is approved, and felt this should be a priority for the city to provide this service to their customers.

Addressing the staff report, Mr. Ohrn indicated that they did not wish to see Marion County listed in the standards, as they may not be the contractor in the future and suggested the wording "City of Keizer or designee of the City" be included. He expressed his concern by allowing the City Engineer to have the flexibility to make changes to the preliminary plan at the time of final detailed plan approval, siting this could allow the City Engineer to ignore information that was supplied during the public hearing process. Mr. Ohrn also expressed interest that a hydrologist supplies a soil evaluation and analysis prior to the development of a subdivision. He felt this could assist in avoiding future problems.

Marcia Bednarczyk, 7775 O'Neil Road, Keizer- Supplied her written proposed additions to the code. Ms. Bednarczyk also felt that a hydrology study was important due to the type of soil that is in the valley. She stated that she felt priority should be given to the citizens opposed to the developers and that information from developers to the public was meaningful in allowing the public to supply input. She discussed topography elements and read information from other codes that she felt was important and should be incorporated into the drainage standards.

Responding to questions, Ms. Bednarcyzk felt the use of hydrology studies was important as the physical properties of soil could indicate what could be placed on certain types of soil and the reactions that take place when building takes place on various forms of soil.

Ed Lephart, 1330 Clearlake Road, Keizer- Expressed his concerns with the housing that is being built on St. Charles and how if could effect his property.

Ken Gierloff, 4035 Arnold St, Keizer- Speaking as chair of KNAG. Mr. Gierloff read from his submitted letter noting that no new development should be allowed to be built that would adversely affects existing development and that the City should create no conditions that are not enforceable. He expressed those temporary situations such as berms and swales were not the answer and urged the Commission to make changes in this. He stressed that the public did not want to be left out of the process of expressing comments regarding new developments.

Chair Wolf thanked the public for their input.

With public testimony over, Mr. Johnson commented that the Commission could close the hearing and deliberate, close the hearing and deliberate another evening or continue the hearing allowing additional response and questions.

Responding to questions Mr. Johnson indicated that the Commission could close the hearing and accept written comments if they wished.

Mr. Clancy expressed that the issue was complicated and suggested the hearing be closed and a special meeting take place to allow the Commission to meet and discuss only the drainage standards.

Mr. Johnson went into an explanation of the options that the Commission could approach regarding the public hearing.

After deliberation it was the consensus of the Commission to continue the hearing and hold a Special Planning Commission meeting on Wednesday, October 27th at 7:00 p.m.

Chair Wolf recessed the meeting at 8:50 p.m.

Chair Wolf reconvened the meeting at 9:00 p.m.

7. DISCUSSION
   - **Retail Sales at the Stadium**

   Mr. Johnson indicated that in the packet a range of options had been supplied to the Commission that they could discuss. He offered to answer any questions.

   Mr. Inman expressed his frustration with the length of time if was taking for this issue to be resolved. He addressed a motion made by the Commission at the August 11, 1999 meeting directing staff to initiate a legislative text amendment to create a limited use overlay zone, and felt further discussion was mute.

Mr. Johnson explained further that currently this was only a recommendation to the Council. He noted if they wished to review an overlay zone and give direction to staff as what they would like to see it could be set for public hearing and a draft of that zone could be brought back. If it was the preference to do another option the Commission still had the freedom to pursue these avenues and the previous motion did not bind the Commission.

After continued discussion the following motion was made:

Mr. Clancy made the motion to rescind the motion from the August 11, 1999 minutes to allow consideration of additional options regarding the stadium parking lot zoning to be presented to the Commission. Ms. Abbott seconded the motion.

Responding to questions, Mr. Johnson noted that the motion was made regarding Mr. Inman's "point of order" and would not affect any DLCD notice.

The motion passed with all members voting aye with the exception of Mr. Inman who voted nay.

Mr. Johnson reviewed the options that he had provided to the Commission. With additional review Mr. Johnson advised against revising the ground lease (an option brought forth in the August 11, 1999 meeting), as it was not a land use action. Mr. Johnson shared that doing this without a code amendment would cause an enforcement issue.

There was a lengthy discussion over the various options and the pros and cons of each option. Ms. Meier called attention to the **Special Permitted Uses** portion of the Development Code that would allow uses without the need to obtain a permit for each event, but specific restrictions would apply.

It was the decision of the Commission to direct staff to schedule a public hearing to be held on November 10th, 1999.

Responding to questions City Manager Mull indicated that he had not received any complaints regarding any of the sales at the stadium.

- **TSP Work Session**

Ms. Meier agreed to contact COG and notify them that the TSP would be part of the agenda at the November 10th meeting.

8. ANNOUNCEMENTS AND AGENDA INPUT

Mr. Johnson noted that the new member of the Planning Commission should be assigned and able to attend at the next regular meeting.

9. ADJOURN

Chair Wolf adjourned the meeting at 9:50 p.m.